D/PR PACTS # 3044103

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA	)	
	)	
vs.	)	**PRESENTENCE INVESTIGATION REPORT**
	)	
	)	**Docket No.: CR15-00629-002 (ADC)**
JOSEPH MARTÍNEZ-ÁVILA	)	**CR16-00591-028 (ADC)**
	)	

Prepared for: The Honorable Aida M. Delgado-Colón, Chief United States District Judge

Assistant United States Attorney

Cr. No. 15-629:
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San Juan, PR 00918
Tel. 787-409-7558
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Cr. No. 16-591:
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Defense Counsel (Appointed)

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Sentence Date: June 7, 2017

Offense: **Cr. No. 15-629: Count One:** Motor vehicle theft. Title 18, U.S.C. § 2119(1).

Penalties: A term of imprisonment of not more than fifteen (15) years, a term of supervised release of not more than three (3) years, and/or a fine not to exceed $250,000. A Class "C" Felony.

Count Two: Brandishing of a Firearm in Furtherance of a Crime of Violence. Title 18, U.S.C. § 924(c)(1)(A)(ii).

Penalties: A term of imprisonment of not less than seven (7) years up to life, a term of supervised release of not more than five (5) years, and/or a fine not to exceed $250,000. A Class "A" Felony.

Cr. No. 16-591: **Count One**: Conspiracy to Possess with Intent to Distribute at least five hundred (500) grams but less than two (2) kilograms of Cocaine within one thousand (1,000) feet of a protected location. Title 21 U.S.C. §§ 860, 841(a)(1) and 860.

Penalties: A minimum of five (5) years and a maximum of eighty (80) years of imprisonment; a supervised release term of at least eight (8) years; and/or a fine not to exceed ten million dollars ($10,000,000). A class "B" Felony.

Arrest Date: **Cr. No. 15-629**: October 31, 2016

Cr. No. 16-591: December 29, 2016

Release Status: Detained since arrest date.

Detainer: None known.

Co-Defendants: **Cr. No. 15-629**:
[1] Andrés González-Sánchez, a.k.a. "Andy"

Cr. No. 16-591:
[1] Jaret Navedo-Meléndez, a.k.a "Fifty", "El Negro", "El Feo"
[2] Julio González-Burgos, a.k.a. "Piti", "Pitipua", "Tito"
[3] José Davier Carvente-Guzmán, a.k.a. "Davo"
[4] Kilpatrick Acosta-Cruz, a.k.a. "Kilpa"
[5] Sergio E. Santa-Otero, a.k.a. "Bebo Sergio"
[6] Jeanchrist N. Reyes-Masso
[7] Carlos R. Hernández-Rodríguez, a.k.a. "Vitolo"
[8] Ángel Román-Ayala, a.k.a. "Botija"
[9] Jessenia Díaz-Colón, a.k.a. "Yeya"
[10] Elba Iris Estrada-Negrón
[11] Rafael O. Álvarez-Cruz, a.k.a "Rafa"
[12] Noel Manzano-Cintrón, a.k.a. "Gordo Sacha"
[13] Carlos Luis Hernández-Rodríguez, a.k.a. "Bebo Cucaracha"
[14] FNU LNU, a.k.a. "Alex Tota"
[15] Kenny J. Rodríguez-Rodríguez, a.k.a. "Kenny Kencho"
[16] Luis A. Ríos-Pérez, a.k.a. "Luis el Quemao"

[17] Aníbal González-Burgos, a.k.a. “Ñengo”
[18] Joel Ozuna-Rivera
[19] Roberto Romero-Rivera, a.k.a. “Wiñi”
[20] Abraham Marcano-Meléndez
[21] Benjamín Santana-García, a.k.a. “Benji Ratón”
[22] Freddy López-Pérez
[23] Alexander Palomares-Ortíz, a.k.a. “Palomares” “Palo”
[24] Ángel Reyes-Colón
[25] Joshua Campos
[26] Brenda Ivelisse Ríos-Pérez
[27] Edwin Amill Rojas, a.k.a. “Wiwi”
[29] Víctor A. Félix-Morales, a.k.a. “Víctor Maribella”
[30] Mark Anthony Montaner-Meléndez, a.k.a. “Mickey”
[31] Kidany Guerra-Vizcarrondo
[32] Samuel Urbina-Ortíz, a.k.a. “Tweety”
[33] Felicia Edwards, a.k.a. “La Negra”
[34] William Hommy Bachier-Febres, a.k.a. “Mono”
[35] Pedro Luis Hernández-Rodríguez, a.k.a. “Rasta”
[36] Blanca Aurora Calo-Vázquez, a.k.a. “Blanquita”
[37] Miguel Del Valle-López, a.k.a. “Maiky”
[38] FNU LNU, a.k.a. “La Perri”
[39] Iván J. Matos-Morales, a.k.a. “Ojos Bellos”
[40] Zulma Rivera-Benítez
[41] Gisaro Javier Pérez-Castro, a.k.a. “Bebo Monacillo”, “Indio”, “Mejicano”
[42] Christopher Andino-Arroyo, a.k.a. “Bemba”
[43] José A. Vázquez-Rosario, a.k.a. “Mazuso”
[44] Ezequiel Cortéz-Rodríguez
[45] Erick Manuel Andrades-Torres, a.k.a. “Coquito”
[46] Ángel L. Quintana-Moreno, a.k.a. “Quintana”
[47] Moisés González-Padilla
[48] Joel Perillo-Borrero, a.k.a. “Clifford”
[49] Juan Manuel Santiago, a.k.a. “Juanma”, “Chucky”
[50] Karen Rivera-Figueroa, a.k.a. “Aloha”
[51] José A. López-Magris, a.k.a. “Cirilo”
[52] William Ríos-Rivera, a.k.a. “Jordan”
[53] José Abraham Martínez-Castro, a.k.a. “Abran”, “Negro”
[54] Carlos Gómez, a.k.a. “Anyu”
[55] Juan M. Quiroz-Gutiérrez
[56] Franchely Martínez-Castro
[57] Alexis Calo-Vázquez, a.k.a. “Calo”
[58] Luz María Colón-Martínez
[59] José Enrique Batista, a.k.a. “Pitillo”
[60] Ramón Esteban Soberal-Pérez, a.k.a. “Jordan”
[61] Babe Ríos-Fuentes
[62] Christopher Maysonet-García
[63] Rosemary Rodríguez-Cabrera
[64] John Fontánez-González, a.k.a. “Johnny” “Chopa”
[65] Melvin Díaz-Allende”, a.k.a. “Barba”

[66] John Anthony Roldán-Colón
[67] María Ivelisse Valcárcel, a.k.a. “Chory”, “Shorty”
[68] Génesis Lizette Ruíz-Lugo, a.k.a. “La China”
[69] Kevin William Peña, a.k.a. “Gringo”
[70] Raúl Julián Galarza-Rosado, a.k.a. “Lilo”
[71] Jonathan Albízu-Santiago
[72] Rafael Torres-Vázquez, a.k.a. “Swepchup”

Date Report Prepared: April 27, 2017 **Date Report Revised:** May 25, 2017[1]

Defendant Identifying Data:

Date of Birth: December 18, 1993

Age: 23

Race: White/Hispanic

Sex: Male

SSN#: 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

FBI#: 980454JD4

USM#: 49659-069

State ID#: PR Driver’s License No. 6071690

Other ID#: PRIN# 13002571
CA XREF# 4665670
CT SPBI-SID# 01353436

Education: Graduate Equivalency Diploma

Dependents: Two (2) children

Citizenship: United States

Legal Address: Vista Hermosa PHP
Bldg. 46, Apt. 576
San Juan, Puerto Rico 00921

Alias: “Gordo”

[1] The PSR was amended to reflect a typographical correction regarding the criminal history points accrual and calculations.

***Restrictions on Use and Redisclosure of Presentence Investigation Report.** Disclosure of this presentence investigation report to the Federal Bureau of Prisons and redisclosure by the Bureau of Prisons is authorized by the United States District Court solely to assist administering the offender's prison sentence (i.e., classification, designation, programming, sentence calculation, pre-release planning, escape apprehension, prison disturbance response, sentence commutation, or pardon) and other limited purposes, including deportation proceedings and federal investigations directly related to terrorist activities. If this presentence investigation report is redisclosed by the Federal Bureau of Prisons upon completion of its sentence administration function, the report must be returned to the Federal Bureau of Prisons or destroyed. It is the policy of the federal judiciary and the Department of Justice that further redisclosure of the presentence investigation report is prohibited without the consent of the sentencing judge.*

PART A. THE OFFENSE

Charge(s) and Conviction(s)

1. **Cr. No. 15-629:** The defendant, Joseph Martínez-Ávila, was the subject of a Six Count and Forfeiture Allegation Superseding Indictment rendered by a District of Puerto Rico Grand Jury on June 8, 2016. He was charged in Counts One to Four with violations of Title 18, U.S.C. §§ 2119(1), 924(c)(1)(A)(i), 924(c)(1)(A)(iii), 924(c)(1)(B)(ii) and 2.

Cr. No. 16-591: On September 23, 2016, the defendant was the subject of a Six Count and Forfeiture Allegation Indictment rendered by a District of Puerto Rico Grand Jury. He was charged in Counts One to Five with violations of Title 21, U.S.C. §§ 841(a)(1), 841(b)(1)(D), 846, 860; and Title 18, U.S.C. § 2.

Cr. No. 15-629:

2. **Count One, count of conviction,** charges that on or about October 10, 2015, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant, aided and abetted by codefendant Andrés González-Sánchez and others, with the intent to cause death or serious bodily harm, attempted to take a motor vehicle from the persons or presence of O.N.M. and B.M.C., that is, a gray 2015 Nissan Murano, license plate INJ230, VIN number 5N1AZ2MG2FN203928, vehicle that had been transported, shipped or received in interstate or foreign commerce, by force, violence and intimidation, that is, through the use of firearms; in violation of Title 18, U.S.C. §§ 2119(1) and 2.

3. **Count Two, count of conviction,** charges that on or about October 10, 2015, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant, aided and abetted by codefendant Andrés González-Sánchez and others, did knowingly use, carry and discharge a firearm, that is a Glock pistol, Model 21, .45 caliber of an unknown serial number, during and in relation to a crime of violence, to wit, as charged in Count One of the Indictment, which may be prosecuted in a Court of the United States; in violation of Title 18, U.S.C. § 924(c)(1)(A)(iii) and 2.

4. **Count Three** charges that or about October 10, 2015, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant, aided and abetted by codefendant Andrés González-Sánchez and others, did knowingly possess a machine gun, that is, a Glock pistol, model 27, .40 caliber, bearing serial number HPB826, which had been modified to shoot more than one round of ammunition, without manual reloading, by the single function of the trigger, during and in relation to a crime of violence, to wit, as charged in Count One of the Indictment, which may be prosecuted in a Court of the United States; in violation of Title 18, U.S.C. § 924(c)(1)(B)(ii) and 2.

5. **Count Four** charges that on or about October 10, 2015, in the District of Puerto Rico and within the jurisdiction of this Court, the defendant, aided and abetted by codefendant Andrés González-Sánchez and others, did knowingly use and carry firearms, that is a Glock pistol, Model 21, .45 caliber of an unknown serial number and a Glock pistol, model 27, .40 caliber, bearing serial number HPB826, during and in relation to a crime of violence, to wit, as charged in Count One of the Indictment, which may be prosecuted in a Court of the United States; in violation of Title 18, U.S.C. § 924(c)(1)(A)(ii) and 2.

6. **Count Five** charges that on or about October 10, 2015, in the District of Puerto Rico and within the jurisdiction of this Court, codefendant Andrés González-Sánchez, aiding and abetting another, with the intent to cause death or serious bodily harm, took a motor vehicle from the persons or presence of R.S.T. and H.K.C.S., that is, a wine 2007 Toyota Corolla, license plate GXA271, VIN number 2T1BR32E67C739172, vehicle that had been transported, shipped or received in interstate or foreign commerce, by force, violence and intimidation, that is, through the use of firearms; in violation of Title 18, U.S.C. §§ 2119(1) and 2.

7. **Count Six** charges that on or about October 10, 2015, in the District of Puerto Rico and within the jurisdiction of this Court, codefendant Andrés González-Sánchez, aiding and abetting another, did knowingly use, carry and brandish firearms, that is a Glock pistol, Model 21, .45 caliber of an unknown serial number and a Glock pistol, Model 27, .40 caliber, bearing serial number HPB826, during and in relation to a crime of violence, to wit, as charged in Count Five of the Indictment, which may be prosecuted in a Court of the United States; in violation of Title 18, U.S.C. § 924(c)(1)(A)(ii) and 2.

Firearms and Ammunition Forfeiture Allegation

8. The allegations contained in Counts One through Six of the Indictment are hereby re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, U.S.C., § 924(d), and Title 28, U.S.C. § 2461(c). Accordingly, upon conviction of an offense in violation of Title 18, U.S.C. § 924(c), the defendant shall forfeit to the United States any firearms and ammunition involved or used in the commission of the offense, including, but not limited to a Glock pistol, model 27, .40 caliber, bearing serial number HPB826 and thirteen (13) rounds of .40 caliber ammunition.

Cr. No. 16-591:

9. **Count One, count of conviction,** charges that beginning on a date unknown, but no later than in or about the year 2012, and continuing up to and until September 2016, in the Municipality of San Juan, District of Puerto Rico and within the jurisdiction of this Court, the defendants: [1] Jaret Navedo-Meléndez, [2] Julio González-Burgos, [3] José Davier Carvente-Guzmán, [4] Kilpatrick Acosta-Cruz, [5] Sergio E. Santa-Otero, [6] Jeanchrist N. Reyes-Masso, [7] Carlos R. Hernández-Rodríguez, [8] Ángel Román-Ayala, [9] Jessenia Díaz-Colón, [10] Elba Iris Estrada-Negrón, [11] Rafael O. Álvarez-Cruz, [12] Noel Manzano-Cintrón, [13] Carlos Luis Hernández-Rodríguez, [14] FNU LNU, a.k.a. "Alex Tota", [15] Kenny J. Rodríguez-Rodríguez, [16] Luis A. Ríos-Pérez, [17] Aníbal González-Burgos, [18] Joel Ozuna-Rivera, [19] Roberto Romero-Rivera, [20] Abraham Marcano-Meléndez, [21] Benjamín Santana-García, [22] Freddy López-Pérez, [23] Alexander Palomares-Ortíz, [24] Ángel Reyes-Colón, [25] Joshua Campos, [26] Brenda Ivelisse Ríos-Pérez, [27] Edwin Amill Rojas, **[28] Joseph Martínez-Ávila**, [29] Víctor A. Félix-Morales, [30] Mark Anthony Montaner-Meléndez, [31] Kidany Guerra-Vizcarrondo, [32] Samuel Urbina-Ortiz, [33] Felicia Edwards, [34] William Hommy Bachier-Febres, [35] Pedro Luis Hernández-Rodríguez, [36] Blanca Aurora Calo-Vázquez, [37] Miguel Del Valle-López, [38] FNU LNU, a.k.a. "La Perri", [39] Iván J. Matos-Morales, [40] Zulma Rivera-Benítez, [41] Gisaro Javier Pérez-Castro, [42] Christopher Andino-Arroyo, [43] José A. Vázquez-Rosario, [44] Ezequiel Cortéz-Rodríguez, [45] Erick Manuel Andrades-Torres, [46] Ángel L. Quintana-Moreno, [47] Moisés González-Padilla, [48] Joel Perillo-Borrero, [49] Juan Manuel Santiago, [50] Karen Rivera-Figueroa, [51] José A. López-Magris, [52] William Ríos-Rivera, [53] José Abraham Martínez-Castro, [54] Carlos Gómez, [55] Juan M. Quiroz-Gutiérrez, [56] Franchely Martínez-Castro, [57] Alexis Calo-Vázquez, [58] Luz María Colón-Martínez, [59] José Enrique Batista, [60] Ramón Esteban

Soberal-Pérez, [61] Babe Ríos-Fuentes, [62] Christopher Maysonet-García, [63] Rosemary Rodríguez-Cabrera, [64] John Fontánez-González, [65] Melvin Díaz-Allende", [66] John Anthony Roldán-Colón, [67] María Ivelisse Valcárcel, [68] Génesis Lizette Ruíz-Lugo, [69] Kevin William Peña, [70] Raúl Julián Galarza-Rosado, [71] Jonathan Albízu-Santiago, and [72] Rafael Torres-Vázquez, did knowingly and intentionally, combine, conspire, and agree with each other and with diverse other persons known and unknown to the Grand Jury, to commit an offense against the United States, that is, to knowingly and intentionally possess with intent to distribute controlled substances, to wit: in excess of two hundred and eighty (280) grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II Narcotic Drug Controlled Substance; in excess of one (1) kilogram of a mixture or substance containing a detectable amount of heroin, a Schedule I, Narcotic Drug Controlled Substance; in excess of five (5) kilograms of a mixture or substance containing a detectable amount of cocaine, a Schedule II, Narcotic Drug Controlled Substance; a mixture or substance containing a detectable amount of marijuana, a Schedule I, Controlled Substance; a mixture or substance containing a detectable amount of Oxycodone (commonly known as Percocet), a Schedule II Controlled Substance; and a mixture or substance containing a detectable amount of Alprazolam (commonly known as Xanax), a Schedule IV Controlled Substance; within one thousand (1,000) feet of a real property comprising the Vista Hermosa Public Housing Project (hereinafter "Vista Hermosa"), a housing facility owned by a public housing authority, within one thousand (1,000) feet of a real property comprising a public or private elementary, vocational, or secondary school, and within one thousand (1,000) feet of a playground, all within the Municipality of San Juan, Puerto Rico; in violation of Title 21, United States Code §§ 841(a)(l), 846 and 860.

10. **Count Two** charges that beginning on a date unknown, but no later than in or about the year 2012, and continuing up to and until September 2016, in the Municipality of San Juan, District of Puerto Rico and within the jurisdiction of this Court, the defendants: [1] Jaret Navedo-Meléndez, [2] Julio González-Burgos, [3] José Davier Carvente-Guzmán, [4] Kilpatrick Acosta-Cruz, [5] Sergio E. Santa-Otero, [6] Jeanchrist N. Reyes-Masso, [7] Carlos R. Hernández-Rodríguez, [8] Ángel Román-Ayala, [9] Jessenia Díaz-Colón, [10] Elba Iris Estrada-Negrón, [11] Rafael O. Álvarez-Cruz, [12] Noel Manzano-Cintrón, [13] Carlos Luis Hernández-Rodríguez, [14] FNU LNU, a.k.a. "Alex Tota", [15] Kenny J. Rodríguez-Rodríguez, [16] Luis A. Ríos-Pérez, [17] Aníbal González-Burgos, [18] Joel Ozuna-Rivera, [19] Roberto Romero-Rivera, [20] Abraham Marcano-Meléndez, [21] Benjamín Santana-García, [22] Freddy López-Pérez, [23] Alexander Palomares-Ortíz, [24] Ángel Reyes-Colón, [25] Joshua Campos, [26] Brenda Ivelisse Ríos-Pérez, [27] Edwin Amill Rojas, **[28] Joseph Martínez-Ávila**, [29] Víctor A. Félix-Morales, [30] Mark Anthony Montaner-Meléndez, [31] Kidany Guerra-Vizcarrondo, [32] Samuel Urbina-Ortiz, [33] Felicia Edwards, [34] William Hommy Bachier-Febres, [35] Pedro Luis Hernández-Rodríguez, [36] Blanca Aurora Calo-Vázquez, [37] Miguel Del Valle-López, [38] FNU LNU, a.k.a. "La Perri", [39] Iván J. Matos-Morales, [40] Zulma Rivera-Benítez, [41] Gisaro Javier Pérez-Castro, [42] Christopher Andino-Arroyo, [43] José A. Vázquez-Rosario, [44] Ezequiel Cortéz-Rodríguez, [45] Erick Manuel Andrades-Torres, [46] Ángel L. Quintana-Moreno, [47] Moisés González-Padilla, [48] Joel Perillo-Borrero, [49] Juan Manuel Santiago, [50] Karen Rivera-Figueroa, [51] José A. López-Magris, [52] William Ríos-Rivera, [53] José Abraham Martínez-Castro, [54] Carlos Gómez, [55] Juan M. Quiroz-Gutiérrez, [56] Franchely Martínez-Castro, [57] Alexis Calo-Vázquez, [58] Luz María Colón-Martínez, [59] José Enrique Batista, [60] Ramón Esteban Soberal-Pérez, [61] Babe Ríos-Fuentes, [62] Christopher Maysonet-García, [63] Rosemary Rodríguez-Cabrera, [64] John Fontánez-González, [65] Melvin Díaz-Allende", [66] John

Anthony Roldán-Colón, [67] María Ivelisse Valcárcel, [68] Génesis Lizette Ruíz-Lugo, [69] Kevin William Peña, [70] Raúl Julián Galarza-Rosado, [71] Jonathan Albízu-Santiago, and [72] Rafael Torres-Vázquez, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute one (1) kilogram or more of a mixture or substance containing a detectable amount of heroin, a Schedule I Narcotic Drug Controlled Substance, within one thousand (1,000) feet of a real property comprising the Vista Hermosa Public Housing Project, a housing facility owned by a public housing authority, within one thousand (1,000) feet of a real property comprising a public or private elementary, vocational, or secondary school, and within one thousand (1,000) feet of a playground, all within the Municipality of San Juan, Puerto Rico; in violation of Title 21, United States Code §§ 841(a)(l), 860; and Title 18, United States Code § 2.

11. **Count Three** charges that beginning on a date unknown, but no later than in or about the year 2012, and continuing up to and until September 2016, in the Municipality of San Juan, District of Puerto Rico and within the jurisdiction of this Court, the defendants: [1] Jaret Navedo-Meléndez, [2] Julio González-Burgos, [3] José Davier Carvente-Guzmán, [4] Kilpatrick Acosta-Cruz, [5] Sergio E. Santa-Otero, [6] Jeanchrist N. Reyes-Masso, [7] Carlos R. Hernández-Rodríguez, [8] Ángel Román-Ayala, [9] Jessenia Díaz-Colón, [10] Elba Iris Estrada-Negrón, [11] Rafael O. Álvarez-Cruz, [12] Noel Manzano-Cintrón, [13] Carlos Luis Hernández-Rodríguez, [14] FNU LNU, a.k.a. "Alex Tota", [15] Kenny J. Rodríguez-Rodríguez, [16] Luis A. Ríos-Pérez, [17] Aníbal González-Burgos, [18] Joel Ozuna-Rivera, [19] Roberto Romero-Rivera, [20] Abraham Marcano-Meléndez, [21] Benjamín Santana-García, [22] Freddy López-Pérez, [23] Alexander Palomares-Ortíz, [24] Ángel Reyes-Colón, [25] Joshua Campos, [26] Brenda Ivelisse Ríos-Pérez, [27] Edwin Amill Rojas, **[28] Joseph Martínez-Ávila**, [29] Víctor A. Félix-Morales, [30] Mark Anthony Montaner-Meléndez, [31] Kidany Guerra-Vizcarrondo, [32] Samuel Urbina-Ortiz, [33] Felicia Edwards, [34] William Hommy Bachier-Febres, [35] Pedro Luis Hernández-Rodríguez, [36] Blanca Aurora Calo-Vázquez, [37] Miguel Del Valle-López, [38] FNU LNU, a.k.a. "La Perri", [39] Iván J. Matos-Morales, [40] Zulma Rivera-Benítez, [41] Gisaro Javier Pérez-Castro, [42] Christopher Andino-Arroyo, [43] José A. Vázquez-Rosario, [44] Ezequiel Cortéz-Rodríguez, [45] Erick Manuel Andrades-Torres, [46] Ángel L. Quintana-Moreno, [47] Moisés González-Padilla, [48] Joel Perillo-Borrero, [49] Juan Manuel Santiago, [50] Karen Rivera-Figueroa, [51] José A. López-Magris, [52] William Ríos-Rivera, [53] José Abraham Martínez-Castro, [54] Carlos Gómez, [55] Juan M. Quiroz-Gutiérrez, [56] Franchely Martínez-Castro, [57] Alexis Calo-Vázquez, [58] Luz María Colón-Martínez, [59] José Enrique Batista, [60] Ramón Esteban Soberal-Pérez, [61] Babe Ríos-Fuentes, [62] Christopher Maysonet-García, [63] Rosemary Rodríguez-Cabrera, [64] John Fontánez-González, [65] Melvin Díaz-Allende", [66] John Anthony Roldán-Colón, [67] María Ivelisse Valcárcel, [68] Génesis Lizette Ruíz-Lugo, [69] Kevin William Peña, [70] Raúl Julián Galarza-Rosado, [71] Jonathan Albízu-Santiago, and [72] Rafael Torres-Vázquez, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute two hundred and eighty (280) grams or more of a mixture or substance containing a detectable amount of cocaine base (Crack), a Schedule II Narcotic Drug Controlled Substance, within one thousand (1,000) feet of a real property comprising the Vista Hermosa Public Housing Project, a housing facility owned by a public housing authority, within one thousand (1,000) feet of a real property comprising a public or private elementary, vocational, or secondary school, and within one thousand (1,000) feet of a playground, all within the Municipality of San Juan, Puerto Rico; in violation of Title 21, United States Code §§ 84l(a)(l), 860; and Title 18, United States Code § 2.

12. **Count Four** charges that beginning on a date unknown, but no later than in or about the year 2012, and continuing up to and until September 2016, in the Municipality of San Juan, District of Puerto Rico and within the jurisdiction of this Court, the defendants: [1] Jaret Navedo-Meléndez, [2] Julio González-Burgos, [3] José Davier Carvente-Guzmán, [4] Kilpatrick Acosta-Cruz, [5] Sergio E. Santa-Otero, [6] Jeanchrist N. Reyes-Masso, [7] Carlos R. Hernández-Rodríguez, [8] Ángel Román-Ayala, [9] Jessenia Díaz-Colón, [10] Elba Iris Estrada-Negrón, [11] Rafael O. Álvarez-Cruz, [12] Noel Manzano-Cintrón, [13] Carlos Luis Hernández-Rodríguez, [14] FNU LNU, a.k.a. "Alex Tota", [15] Kenny J. Rodríguez-Rodríguez, [16] Luis A. Ríos-Pérez, [17] Aníbal González-Burgos, [18] Joel Ozuna-Rivera, [19] Roberto Romero-Rivera, [20] Abraham Marcano-Meléndez, [21] Benjamín Santana-García, [22] Freddy López-Pérez, [23] Alexander Palomares-Ortíz, [24] Ángel Reyes-Colón, [25] Joshua Campos, [26] Brenda Ivelisse Ríos-Pérez, [27] Edwin Amill Rojas, **[28] Joseph Martínez-Ávila**, [29] Víctor A. Félix-Morales, [30] Mark Anthony Montaner-Meléndez, [31] Kidany Guerra-Vizcarrondo, [32] Samuel Urbina-Ortiz, [33] Felicia Edwards, [34] William Hommy Bachier-Febres, [35] Pedro Luis Hernández-Rodríguez, [36] Blanca Aurora Calo-Vázquez, [37] Miguel Del Valle-López, [38] FNU LNU, a.k.a. "La Perri", [39] Iván J. Matos-Morales, [40] Zulma Rivera-Benítez, [41] Gisaro Javier Pérez-Castro, [42] Christopher Andino-Arroyo, [43] José A. Vázquez-Rosario, [44] Ezequiel Cortéz-Rodríguez, [45] Erick Manuel Andrades-Torres, [46] Ángel L. Quintana-Moreno, [47] Moisés González-Padilla, [48] Joel Perillo-Borrero, [49] Juan Manuel Santiago, [50] Karen Rivera-Figueroa, [51] José A. López-Magris, [52] William Ríos-Rivera, [53] José Abraham Martínez-Castro, [54] Carlos Gómez, [55] Juan M. Quiroz-Gutiérrez, [56] Franchely Martínez-Castro, [57] Alexis Calo-Vázquez, [58] Luz María Colón-Martínez, [59] José Enrique Batista, [60] Ramón Esteban Soberal-Pérez, [61] Babe Ríos-Fuentes, [62] Christopher Maysonet-García, [63] Rosemary Rodríguez-Cabrera, [64] John Fontánez-González, [65] Melvin Díaz-Allende", [66] John Anthony Roldán-Colón, [67] María Ivelisse Valcárcel, [68] Génesis Lizette Ruíz-Lugo, [69] Kevin William Peña, [70] Raúl Julián Galarza-Rosado, [71] Jonathan Albízu-Santiago, and [72] Rafael Torres-Vázquez, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute five (5) kilograms or more of a mixture or substance containing a detectable amount of cocaine, a Schedule TI Narcotic Drug Controlled Substance, within one thousand (1,000) feet of a real property comprising the Vista Hermosa Public Housing Project, a .housing facility owned by a public housing authority, within one thousand (1,000) feet of a real property comprising a public or private elementary, vocational, or secondary school, and within one thousand (1,000) feet of a playground, all within the Municipality of San Juan, Puerto Rico; in violation of Title 21, United States Code §§ 841(a)(l), 860; and Title 18, United States Code § 2.

13. **Count Five** charges that beginning on a date unknown, but no later than in or about the year 2012, and continuing up to and until September 2016, in the Municipality of San Juan, District of Puerto Rico and within the jurisdiction of this Court, the defendants: [1] Jaret Navedo-Meléndez, [2] Julio González-Burgos, [3] José Davier Carvente-Guzmán, [4] Kilpatrick Acosta-Cruz, [5] Sergio E. Santa-Otero, [6] Jeanchrist N. Reyes-Masso, [7] Carlos R. Hernández-Rodríguez, [8] Ángel Román-Ayala, [9] Jessenia Díaz-Colón, [10] Elba Iris Estrada-Negrón, [11] Rafael O. Álvarez-Cruz, [12] Noel Manzano-Cintrón, [13] Carlos Luis Hernández-Rodríguez, [14] FNU LNU, a.k.a. "Alex Tota", [15] Kenny J. Rodríguez-Rodríguez, [16] Luis A. Ríos-Pérez, [17] Aníbal González-Burgos, [18] Joel Ozuna-Rivera, [19] Roberto Romero-Rivera, [20] Abraham Marcano-Meléndez, [21] Benjamín Santana-García, [22] Freddy López-Pérez, [23] Alexander Palomares-Ortíz, [24] Ángel Reyes-Colón, [25] Joshua Campos, [26] Brenda Ivelisse Ríos-Pérez, [27] Edwin Amill Rojas, **[28] Joseph**

Martínez-Ávila, [29] Víctor A. Félix-Morales, [30] Mark Anthony Montaner-Meléndez, [31] Kidany Guerra-Vizcarrondo, [32] Samuel Urbina-Ortiz, [33] Felicia Edwards, [34] William Hommy Bachier-Febres, [35] Pedro Luis Hernández-Rodríguez, [36] Blanca Aurora Calo-Vázquez, [37] Miguel Del Valle-López, [38] FNU LNU, a.k.a. "La Perri", [39] Iván J. Matos-Morales, [40] Zulma Rivera-Benítez, [41] Gisaro Javier Pérez-Castro, [42] Christopher Andino-Arroyo, [43] José A. Vázquez-Rosario, [44] Ezequiel Cortéz-Rodríguez, [45] Erick Manuel Andrades-Torres, [46] Ángel L. Quintana-Moreno, [47] Moisés González-Padilla, [48] Joel Perillo-Borrero, [49] Juan Manuel Santiago, [50] Karen Rivera-Figueroa, [51] José A. López-Magris, [52] William Ríos-Rivera, [53] José Abraham Martínez-Castro, [54] Carlos Gómez, [55] Juan M. Quiroz-Gutiérrez, [56] Franchely Martínez-Castro, [57] Alexis Calo-Vázquez, [58] Luz María Colón-Martínez, [59] José Enrique Batista, [60] Ramón Esteban Soberal-Pérez, [61] Babe Ríos-Fuentes, [62] Christopher Maysonet-García, [63] Rosemary Rodríguez-Cabrera, [64] John Fontánez-González, [65] Melvin Díaz-Allende", [66] John Anthony Roldán-Colón, [67] María Ivelisse Valcárcel, [68] Génesis Lizette Ruíz-Lugo, [69] Kevin William Peña, [70] Raúl Julián Galarza-Rosado, [71] Jonathan Albízu-Santiago, and [72] Rafael Torres-Vázquez, aiding and abetting each other, did knowingly and intentionally possess with intent to distribute a mixture or substance containing a detectable amount of marijuana, a Schedule I Controlled Substance, within one thousand (1,000) feet of a real property comprising the Vista Hermosa Public Housing Project, a housing facility owned by a public housing authority, within one thousand (1,000) feet of a real property comprising a public or private elementary, vocational, or secondary school, and within one thousand (1,000) feet of a playground, all within the Municipality of San Juan, Puerto Rico; in violation of Title 21, United States Code §§ 841(a)(l) & (b)(l)(D), 860; and Title 18, United States Code § 2.

14. **Count Six** charges that beginning on a date unknown, but no later than in or about the year 2012, and continuing up to and until September 2016, in the Municipality of San Juan, District of Puerto Rico and within the jurisdiction of this Court, the defendants: [1] Jaret Navedo-Meléndez, [2] Julio González-Burgos, [3] José Davier Carvente-Guzmán, [4] Kilpatrick Acosta-Cruz, [5] Sergio E. Santa-Otero, [15] Kenny J. Rodríguez-Rodríguez, [16] Luis A. Ríos-Pérez, [17] Aníbal González-Burgos, [18] Joel Ozuna-Rivera, [19] Roberto Romero-Rivera, [20] Abraham Marcano-Meléndez, and other persons known and unknown to the Grand Jury, aiding and abetting each other, did knowingly possess firearms, of unknown make and caliber, as that term is defined in Title 18, United States Code § 921(a)(3), in furtherance of a drug trafficking crime for which they may be prosecuted in a court of the United States, as charged in Count One of this Indictment; in violation of Title 18, United States Code §§ 924(c)(l)(A) and 2.

Narcotics Forfeiture Allegation

15. The allegations contained in Count One through Five of the Indictment are re-alleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 21, U.S.C. § 853.

16. Pursuant to Title 21, U.S.C. § 853, upon conviction of an offense in violation of Title 21, U.S.C. § 841, all defendants named in the Indictment, shall forfeit to the United States of America any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such offense(s) and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, the offense(s). The property to be forfeited includes, but is not limited to, a sum of money equal to the total amount of money involved in each offense, or conspiracy to commit such offense, for which the defendant is

convicted, to wit: twenty-five million dollars ($25,000,000.00) in U.S. currency. The defendants so convicted are jointly and severally liable for the amount involved in such offense.

17. If any of the property described above, as a result of any act or omission of the defendant(s): (a) cannot be located upon the exercise of due diligence; (b) has been transferred or sold to, or deposited with, a third party; (c) has been placed beyond the jurisdiction of the court; (d) has been substantially diminished in value; or (e) has been commingled with other property which cannot be divided without difficulty, the United States of America is entitled to forfeiture of substitute property pursuant to Title 21, U.S.C. § 853(p).

Plea Agreements

18. **Cr. No. 15-629:** On March 6, 2017, the defendant pled guilty to Counts One and Two of the Superseding Indictment, pursuant to the terms of a Plea Agreement accorded under the provisions of Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure. The terms of the agreement call for holding the defendant accountable for robbery, thereby establishing a base offense level of twenty (20), pursuant to USSG §2B3.1(a). The parties agreed on a two (2) level increase because the offense involved carjacking, pursuant to USSG §2B3.1(b)(5). They also agreed on a three (3) level reduction for the defendant's timely acceptance of responsibility, pursuant to USSG §3E1.1(a) and (b). Thus, a total adjusted offense level of nineteen (19) was established as to Count One. As to Count Two, the terms of the agreement call for holding the defendant accountable for brandishing a firearm in relation to a crime of violence, which carries a fixed consecutive term of imprisonment of not less than seven (7) years, pursuant to statute. The parties further agreed that, after due consideration of the relevant factors enumerated in Title 18, U.S.C. § 3553(a) and their accord to dismiss the remaining counts of the Superseding Indictment. The parties agreed to recommend a sentence as follows: thirty-three (33) months of imprisonment if the Criminal History Category (CHC) is I or II, or the lower end of the applicable guideline if the CHC is III or higher, as to Count One. As to Count Two, they recommend seven (7) years of imprisonment, to be served consecutively to the sentence imposed in Count One. They also agreed that no further adjustments or departures to the defendant's total adjusted base offense level, and no variance sentence under Title 18, U.S.C. § 3553 shall be sought. Hence, any recommendation by either party for a term of imprisonment below or above the stipulated sentence recommendation will be considered a material breach of the plea and forfeiture agreement. No stipulation as to the defendant's Criminal History Category was made by the parties.

19. **Cr. No. 16-591:** On April 6, 2017, the defendant pled guilty to Count One of the Indictment, pursuant to the terms of a Plea Agreement accorded under the provisions of Rule 11(c)(1)(B) of the Federal Rules of Criminal Procedure. The terms of the agreement calls for holding the defendant accountable for conspiring to possess with intent to distribute at least five hundred (500) grams but less than two (2) kilograms of cocaine, thereby establishing a base offense level of twenty-four (24), pursuant to USSG §2D1.1(c)(8). The parties agreed on a two (2) level increase because the offense took place within one thousand (1,000) feet of a protected location, pursuant to USSG §2D1.2(a)(1). They also agreed on a three (3) level reduction for the defendant's timely acceptance of responsibility, pursuant to USSG §3E1.1(a) and (b). Thus, a total adjusted offense level of twenty-three (23) was established. The parties further agreed that, after due consideration of the relevant factors enumerated in Title 18, U.S.C. § 3553(a) and their accord to dismiss the remaining counts of the Indictment, they recommend to the Court a sentence as follows: sixty (60) months of imprisonment, regardless of the

defendant's Criminal History Category. The defendant agreed not to request a sentence below sixty (60) months of incarceration, regardless if the presentence report's guideline calculation reflects a lower total offense level. Any recommendation below sixty (60) months would be a substantial and material breach of the plea agreement. The defendant further agreed that the sentencing recommendation in this case will be consecutive to the sentence imposed in criminal case number 15-629 (ADC), and that said case is not relevant conduct of the conspiracy charged in this case. The parties also agreed that no further adjustments or departures to the defendant's total adjusted base offense level shall be sought. No stipulation as to the defendant's Criminal History Category was made by the parties.

20. On March 6, 2017, both cases were consolidated for plea and sentencing purposes, and were transferred to the Honorable Aida M. Delgado-Colón, Chief U.S. District Judge.

21. There is a waiver of appeal clause. As such, the defendant agreed to waive all rights conferred by Title 18, U.S.C. § 3742, if sentenced in accordance to the terms, conditions and recommendations as stipulated in the plea.

Co-defendant Status:

22. **Cr. No. 15-629:** As of the disclosure of this report, co-defendant Andrés González-Sánchez has pled guilty and is awaiting sentencing.

23. **Cr. No. 16-591:** As of the disclosure of this report, most co-defendants are either in plea negotiations or awaiting trial. Co-defendants: [2] Julio González-Burgos, [9] Jessenia Díaz-Colón, [14] FNU LNU, a.k.a. "Alex Tota", [20] Abraham Marcano-Meléndez, [22] Freddy López-Pérez, [25] Joshua Campos, [30] Mark Anthony Montaner-Meléndez, [31] Kidany Guerra-Vizcarrondo, [33] Felicia Edwards, [34] William Hommy Bachier-Febres, [35] Pedro Luis Hernández-Rodríguez, [38] FNU LNU, a.k.a. "La Perri", [41] Gisaro Javier Pérez-Castro, [47] Moisés González-Padilla, [49] Juan Manuel Santiago, [50] Karen Rivera-Figueroa, [51] José A. López-Magris, [52] William Ríos-Rivera, [54] Carlos Gómez, [59] José Enrique Batista, [62] Christopher Maysonet-García, [63] Rosemary Rodríguez-Cabrera, [65] Melvin Díaz-Allende", and [71] Jonathan Albízu-Santiago, have not been arrested or are fugitives.

Related Cases

24. None known.

The Offense Conduct[2]

Cr. No. 15-629:

25. **According to the Reports of Investigation, including the complaint in support of the investigation, and the Government's Version of the Facts,** on October 10, 2015, at approximately 5:30pm, O.N.M. was driving a gray 2015 Nissan Murano, Puerto Rico license plate INJ230 and Vehicle Identification Number 5N1AZ2MG2FN203928, in the vicinity of Lomas del Sol in Guaynabo, Puerto Rico with her twelve (12) weeks old daughter in a car seat

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[2] Pursuant to the mandates issued by the Probation and Pretrial Services Division of the Administrative Office of the United States Courts, the Offense Conduct in the Presentence Report is not necessarily limited to the facts agreed to by the parties in a plea agreement or stipulation. Publication 107, Chapter III, Pg. 13.

set in the center of the rear passenger cabin, and her mother, B.M.C., who was in the rear passenger cabin behind the front passenger's seat, tending to the infant, when three male individuals inside a burgundy 2007 Toyota Corolla honked at them and passed by the driver's side of the vehicle. According to O.N.M., she was not alarmed by the horn, but noticed that they passed by slowly and were staring intently at her. Immediately after that, the driver of the 2007 Toyota Corolla positioned the vehicle directly in front of O.N.M.'s 2015 Nissan Murano and came to a stop, forcing the Nissan Murano to stop as well. Then, Andrés González-Sánchez, who was riding in the front passenger seat of the 2007 Toyota Corolla, and an unidentified subject, who was riding in the rear cabin of the Toyota Corolla behind the driver's seat, exited the vehicle carrying firearms, which they pointed at the Nissan Murano and its driver in order to take the vehicle. The driver of the Toyota Corolla, who was later identified as Joseph Martínez-Ávila, remained inside the vehicle.

26. According to O.N.M., the unidentified subject who exited from the left rear side of the Toyota Corolla pointed his pistol at her head as he approached her vehicle, while González-Sánchez pointed his pistol at her vehicle in general. Although O.N.M. could not hear the unidentified subject's commands, she understood he was ordering her out of the vehicle. O.N.M. quickly shifted the Nissan Murano into reverse, hid behind the dash board and accelerated. As the Nissan Murano began to back up, one of the two individuals, aided and abetted by the other, fired one round through the Nissan Murano's windshield, which penetrated the car seat in which the infant was seated and the rear passenger seat, and punctured the rear door panel of the vehicle. The bullet did not hit the infant or the other passengers. According to the victims, the unidentified subject that exited the Toyota Corolla from the left rear passenger's side was the one discharging his firearm against them.

27. The victims were able to flee the scene as González-Sánchez and the unidentified subject returned to the Toyota Corolla and sped away, driven by Martínez-Ávila. The victims called 911 and shortly after arrived at the Guaynabo Municipal Police Athletic League facilities. O.N.M. was reporting the incident to an officer, when B.M.C. noticed the same burgundy 2007 Toyota Corolla pass by and alerted the officer. The police pursued the Toyota Corolla to a Puma gas station. When the police officers were approaching the Toyota Corolla, the vehicle fled, leaving González-Sánchez, who was inside the gas station, behind. González-Sánchez was promptly arrested while Martínez-Ávila and the unidentified subject were pursued but escaped, fleeing on foot.

28. Law enforcement recovered the Toyota Corolla and one magazine with thirteen (13) .40 caliber bullets. González-Sánchez admitted being present during the commission of the crime and pointing a handgun at O.N.M. and her 2015 Nissan Murano, but denied shooting the vehicle. He claimed that one of the other two carjackers discharged his weapon into the occupied vehicle as it began to reverse. The investigation revealed that the 2007 burgundy Toyota Corolla had been stolen prior to the commission of the instant offense.

29. O.N.M. and B.M.C. positively identified Andrés González-Sánchez from a photographic line up as the subject that exited the Toyota Corolla from the front passenger's side. Further investigation revealed that no vehicles are manufactured in the Commonwealth of Puerto Rico; therefore, the investigation concluded that the gray 2015 Nissan Murano, Puerto Rico license plate INJ230 and Vehicle Identification Number 5N1AZ2MG2FN203928, was shipped, received, or transported to Puerto Rico in interstate or foreign commerce.

Cr. No. 16-591:

30. **According to the investigation,** the conspiracy commenced on a date unknown, but no later than in or about the year 2012, and continuing up to in or about September 2016.

31. The object of the conspiracy was the large scale distribution of controlled substances at the Vista Hermosa Public Housing Project (PHP), located within the Municipality of San Juan, Puerto Rico, all for significant financial gain and profit.

32. The manner and means by which the defendants and their co-conspirators would accomplish and further the object of the conspiracy, among others, included the following:

33. The defendants and coconspirators would purchase wholesale quantities of heroin, cocaine and marijuana in order to distribute the same in street quantity amounts at their drug distribution points located in the Vista Hermosa PHP, within the Municipality of San Juan, Puerto Rico.

34. The defendants and co-conspirators had significant ties to the drug trafficking organization and acted in different roles in order to further the goals of the conspiracy, to wit: leaders, drug point owners, runners, suppliers, enforcers, drug processors, sellers, and facilitators. The leaders would maintain a group of co-defendants who were responsible for administering the daily activities of the drug distribution points.

35. Some of the defendants and their co-conspirators would weigh, "cut", divide, and package the heroin, cocaine, crack and marijuana in distinctive "baggies" and/or "vials" in order to keep track of their narcotics. The Alprazolam (commonly known as Xanax) and Oxycodone (commonly known as Percocet) pills were divided by narcotic drug, as well as by the markings on each individual pill. Some of the cocaine purchased at wholesale quantities was converted into crack cocaine, "cooked", for subsequent sale and distribution at their drug distribution points.

36. There were numerous drug points, or locations from where controlled substances were sold, located within the Vista Hermosa PHP. The leaders of the drug trafficking organization gave numerous drug point owners, identified by seal/logo/sticker, permission to have their controlled substances sold alongside each other at particular locations.

37. Some of the defendants and co-conspirators used residences located within the Vista Hermosa PHP and other locations outside the housing project in order to store and conceal heroin, cocaine base ("crack"), cocaine, marijuana, Alprazolam (commonly known as Xanax) and Oxycodone (commonly known as Percocet) drug paraphernalia, firearms, ammunition, drug ledgers, drug trafficking proceeds, and other records and equipment of the drug trafficking organization.

38. Some of the defendants and co-conspirators often packaged and prepared the narcotics in various apartments located within the Vista Hermosa PHP, using those apartments as "drug laboratories".

39. Some of the defendants and co-conspirators would have access to different types of vehicles, including but not limited to cars, motorcycles and scooters, in order to transport and/or store money, narcotics and firearms.

40. The drug point owners regularly paid "rent" to the leaders of the drug trafficking organization in order to be able to sell controlled substances within the Vista Hermosa PHP. High level members of the drug trafficking organization or leaders would regularly collect dues from the sales of the drug point shifts to create a money depository (known as "la prote", in Spanish) in order to pay for the protection offered by the "lookouts".

41. The defendants and co-conspirators used two-way radios ("walkie-talkies" referred to as scanners) in order to communicate and notify the presence of law enforcement agents or members of rival gangs. They also used cellular phones in order to communicate and alert the runners that additional controlled substances were needed at the drug points.

42. Some of the defendants and co-conspirators routinely possessed, carried, brandished, and used firearms to protect themselves and their drug trafficking organization. At different points during the conspiracy, some defendants and their co-conspirators used different types of firearms in order to protect themselves, the narcotics, and their profits from rival drug trafficking gangs.

43. Some of the defendants and co-conspirators often acted as "lookouts" at several strategically located "observation points", all located within the Vista Hermosa PHP, to alert other co-conspirators of the presence of law enforcement agents and/or rival drug traffickers.

44. Members of the drug trafficking organization used force, violence, and intimidation to intimidate rival drug trafficking organizations, and to discipline members of their own drug trafficking organization.

45. The Vista Hermosa PHP was under the rules dictated by the leaders regarding the location from where controlled substances could be sold, how conflict resolution between members of the drug trafficking organization was to be handled, how conflict resolution between the Vista Hermosa PHP residents not related to the drug trafficking organization was to be handled, etc. If said rules were violated, the leaders or high level members of the drug trafficking organization would use force, violence, and intimidation against the offenders (known as "cobrar falla" in Spanish) in an effort to maintain order within the Vista Hermosa PHP.

46. High level members of the drug trafficking organization or leaders would order and/or authorize, the use of force and violence against other individuals and/or against members of their own drug trafficking organization suspected of providing information to law enforcement. The leaders of the drug trafficking organization had the final approval as to any disciplinary action to be imposed upon residents of the Vista Hermosa PHP and/or members of the conspiracy, as well as rival gang members.

Roles of the members of the conspiracy:
Leaders/Drug Point Owners

47. The leaders directly controlled and supervised the drug trafficking activities at the drug points located within the Vista Hermosa PHP and other areas nearby in the Municipality of San Juan, Puerto Rico. The drug point owners, during the span of the conspiracy, purchased multi-kilogram quantities of narcotics and oversaw the transportation and sale of such narcotics at the drug points located within the Vista Hermosa PHP. At various times during the course of the conspiracy, the leaders possessed firearms and allowed members of the conspiracy to carry such firearms and ammunition in order to protect the drug distribution activities. The following co-conspirators acted as leaders and/or drug point owners:

48. [1] Jaret Navedo-Meléndez acted as one of the main leaders of the drug trafficking organization, where he controlled, through other defendants also acting as leaders, the drug distribution points located at the Vista Hermosa PHP. He directly supervised the operations at the Vista Hermosa PHP and other areas nearby, received the proceeds from the distribution of narcotics sold during the span of his leadership in the conspiracy and was in charge of maintaining control of all the drug distribution activities. He had approval authority as to the discipline imposed upon residents of the Vista Hermosa PHP, the members of the conspiracy, as well as its enemies and rivals. He was also a drug point owner within Vista Hermosa PHP. In addition to collecting proceeds from the sale of controlled substances under his seal/logo/sticker, he would also receive payment or "rent" from other drug points within the conspiracy. [1] Jaret Navedo-Meléndez did not often make appearances at Vista Hermosa PHP, and when he did, it was customarily for short periods of time in order to conduct meetings with members of the drug trafficking organization. Among other reasons, he also appeared at the Vista Hermosa PHP in order to discipline or punish (known as "cobrar falla" in Spanish) residents or members of the drug trafficking organization for breaking one of the rules. In his absence, high level leaders of the drug trafficking organization would discipline or punish violators on his behalf. High level leaders would also receive drug point payments on his behalf. He was armed with firearms on a regular basis, especially when visiting Vista Hermosa PHP. In addition to carrying and using firearms during and in relation to drug trafficking activities, he would allow other members of the conspiracy to carry and use firearms during and in relation to drug trafficking activities.

49. [2] Julio González-Burgos was also a leader in the drug trafficking organization. He had an active role in the administration and daily operations of the drug point at the Vista Hermosa PHP. At some point, he was the owner of one of the seals/stickers/logos being sold at one of the drug points within the Vista Hermosa PHP. As someone who oversaw the administration of the drug trafficking organization, he was also responsible for disciplining the residents of the Vista Hermosa PHP, as well as members of the drug trafficking organization when the rules were not followed. He also acted as an enforcer within the conspiracy. As an enforcer, he carried and used firearms during and in relation to drug trafficking activities and allowed other members of the conspiracy to carry and use firearms during and in relation to drug trafficking activities. He used firearms in order to protect members of the Vista Hermosa PHP drug trafficking organization from rival drug trafficking gang members. He was also one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

50. [3] José Davier Carvente-Guzmán acted as a drug point owner and leader for the drug trafficking organization. He administered and maintained order within the Vista Hermosa PHP. He was also a known enforcer within the drug trafficking organization. As an enforcer, he carried and used firearms during and in relation to the drug trafficking activities and allowed other members of the conspiracy to carry and use firearms during and in relation to drug trafficking activities. He used firearms in order to protect members of the Vista Hermosa drug trafficking organization from rival drug trafficking gang members. He was also one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

51. [4] Kilpatrick Acosta-Cruz acted as a disciplinary leader of the drug trafficking organization. He administered and maintained order within the Vista Hermosa PHP. He was also an enforcer within the drug trafficking organization. As an enforcer, he carried and used firearms during and in relation to drug trafficking activities and would allow other members of the conspiracy to carry and use firearms during and in relation to drug trafficking activities. He used firearms in order to protect members of the Vista Hermosa drug trafficking organization from rival drug trafficking gang members. He was also one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

52. [5] Sergio E. Santa-Otero acted as a drug point owner for the drug trafficking organization. He would administer and maintain order within the Vista Hermosa PHP. He was also an enforcer within the drug trafficking organization. As an enforcer, he carried and used firearms during and in relation to drug trafficking activities and allowed other members of the conspiracy to carry and use firearms during and in relation to drug trafficking activities. He used firearms in order to protect members of the Vista Hermosa drug trafficking organization from rival drug trafficking gang members. He was also one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules, among others.

53. [6] Jeanchristh N. Reyes-Masso acted as a drug point owner and runner for the drug trafficking organization. He was known at times acting as a runner for the controlled substances in his own drug point. If necessary, he also sold controlled substances. As a drug point owner, he carried and used firearms during and in relation to the drug trafficking activities. He also processed controlled substances that were sold at the Vista Hermosa PHP. He often times possessed firearms. He carried and used firearms during and in relation to drug trafficking activities.

54. [7] Carlos R. Hernández-Rodríguez acted as the leader for the lookouts. It was his responsibility to assign shifts, manage the locations from which the lookouts were positioned, to ensure that the lookouts were equipped with appropriate tools, etc. He would also collect a fee of $10.00 (known as the "prote" in Spanish) from each seller within the Vista Hermosa PHP per shift in order to pay for the security provided by the lookouts. He also collected $100.00 a week from each drug point owner (seal/logo/sticker) as part of the rent that was to be provided to the leaders. He was also a drug point owner within the drug trafficking organization. He also carried and used firearms during and in relation to drug trafficking activities.

55. [8] Ángel Román-Ayala acted as a drug point owner for the drug trafficking organization. He would also act as a runner within the conspiracy for the controlled substances sold under his own seal, as well as controlled substances under another seal.

56. [9] Jessenia Díaz-Colón acted as a drug point owner for the drug trafficking organization. She was the owner of one of the drug points that sold prescription pills. She was responsible for supplying her drug point with varying types of prescription pills.

57. [10] Elba Iris Estrada-Negrón acted as a drug point owner for the drug trafficking organization. She was the owner of one of the drug points that sold prescription pills. She was responsible for supplying her drug point with varying types of prescription pills.

58. [11] Rafael O. Álvarez-Cruz acted as a drug point owner for the drug trafficking organization. In addition to being a drug point owner, he was also a runner within the conspiracy. At some point, he also acted as a seller for the drug trafficking organization.

59. [12] Noel Manzano-Cintrón acted as a drug point owner for the drug trafficking organization. He administered and maintained order within the Vista Hermosa PHP. He was also an enforcer within the drug trafficking organization. As an enforcer, he carried and used firearms during and in relation to drug trafficking activities and allowed other members of the conspiracy to carry and use firearms during and in relation to drug trafficking activities. He used firearms in order to protect members of the Vista Hermosa drug trafficking organization from rival drug trafficking gang members. He was also one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

60. [13] Carlos Luis Hernández-Rodríguez acted as a drug point owner for the drug trafficking organization. He often acted as a runner within the conspiracy. At some point, he also acted as a seller for the drug trafficking organization. He carried and used firearms during and in relation to drug trafficking activities. He was also one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

61. [14] FNU LNU, a.k.a. "Alex Tota", acted as a drug point owner for the drug trafficking organization. He would carry and use firearms during and in relation to drug trafficking activities. He was also ·one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

Enforcers

62. The enforcers did possess, carry, brandish, use and discharge firearms to protect the leaders and members of the drug trafficking organization, the narcotics, the proceeds derived from their sales, and to further accomplish the goals of the conspiracy. Enforcers often acted upon instructions given by the leaders of this organization. The enforcers often provided protection to the drug trafficking organization's drug distribution points. In addition to the above-mentioned leaders and drug point owners who also acted as enforcers, the following individuals and others known and unknown acted as enforcers for the above-described drug trafficking organization:

63. [15] Kenny J. Rodríguez-Rodríguez acted as an enforcer for the drug trafficking organization. As an enforcer, he would carry and use firearms during and in relation to drug trafficking activities. Additionally, he would often act as a seller within the conspiracy. At one point he was also a drug point owner. He was also one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

64. [16] Luis A. Ríos-Pérez acted as an enforcer for the drug trafficking organization. As an enforcer, he+ carried and used firearms during and in relation to drug trafficking activities. Additionally, he often acted as a seller and runner within the conspiracy. At one point he was also a drug point owner. He was also one of the individuals who were permitted to discipline

or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

65. [17] Anibal González-Burgos acted as an enforcer for the drug trafficking organization. As an enforcer, he carried and used firearms during and in relation to drug trafficking activities. Additionally, he often acted as a seller and runner within the conspiracy. He was also among the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

66. [18] Joel Ozuna-Rivera acted as an enforcer for the drug trafficking organization. As an enforcer, he carried and used firearms during and in relation to drug trafficking activities. At one point he was also a drug point owner. He was also one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules, among others.

67. [19] Roberto Romero-Rivera acted as an enforcer for the drug trafficking organization. As an enforcer, he carried and used firearms during and in relation to drug trafficking activities. Additionally, he often acted as a runner within the conspiracy. He was also one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

68. [20] Abraham Marcano-Meléndez acted as an enforcer for the drug trafficking organization. As an enforcer, he also carried and used firearms during and in relation to drug trafficking activities. Additionally, he often acted as a seller and runner within the conspiracy. He was also one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

Drug Processors

69. The drug processors met under the direction of the leaders and drug point owners of the drug trafficking organization at different places inside or outside the Vista Hermosa PHP within or near the Municipality of San Juan in order to weigh, "cut", mix, and prepare the controlled substances for street distribution. They also packaged the heroin, crack, cocaine and marihuana in single dosage amounts and in distinctive "baggies", "decks" and/or "vials". In addition to the above-mentioned leaders, drug point owners, and enforcers who also acted as drug processors, the following individuals and others, acted as drug processors for the above described drug trafficking organization:

70. [21] Benjamín Santana-García acted as a drug processor for the drug trafficking organization. Additionally, he also acted as a seller and runner within the conspiracy. At one point he was also a drug point owner. He also carried and used firearms during and in relation to drug trafficking activities.

71. [22] Freddy López-Pérez acted as a drug processor for the drug trafficking organization. Additionally, he often acted as a seller and runner within the conspiracy. At one point he was also a drug point owner.

Runners

72. The runners worked under the direct supervision of the leaders of the drug trafficking organization. They were responsible for providing sufficient narcotics to the sellers for further distribution at the drug point. They were also responsible for collecting the proceeds of drug sales and paying the street sellers. They also supervised and made sure that there were street sellers for every shift of the drug point. They made schedules and prepared ledgers to maintain accountability of the sales of the narcotics sold at the drug point. At various times, they were responsible for recruiting street sellers and additional runners. The runners had a supervisory role within the conspiracy, as they would directly supervise on a daily basis, the activities of multiple sellers, and the daily activities of the drug points. In addition to the leaders, drug point owners, enforcers, and drug processors who also acted as runners, the following individuals and others, acted as runners for the drug trafficking organization:

73. [23] Alexander Palomares-Ortiz acted as a runner for the drug trafficking organization. Additionally, he also carried and used firearms during and in relation to drug trafficking activities. At some point, he was one of the individuals who were permitted to discipline or punish (known as "cobrar falla" in Spanish) Vista Hermosa PHP residents or members of the drug trafficking organization for violating any of the rules.

74. [24] Ángel Reyes-Colón acted as a runner for the drug trafficking organization. Additionally, he would also carried and used firearms during and in relation to drug trafficking activities, and often acted as a seller within the conspiracy.

75. [25] Joshua Campos acted as a runner for the drug trafficking organization. Additionally, he would also carried and used firearms during and in relation to drug trafficking activities. At some point, he was also a drug point owner.

76. [26] Brenda Ivelisse Ríos-Pérez acted as a runner for the drug trafficking organization. Additionally, she acted as a seller within the conspiracy at times.

77. [27] Edwin Amill Rojas acted as a runner for the drug trafficking organization.

78. **[28] Joseph Martínez-Ávila acted as a runner for the drug trafficking organization. Additionally, he sometimes act as a seller within the conspiracy**.

79. [29] Víctor A. Félix-Morales acted as a runner for the drug trafficking organization. Additionally, at times, he also acted as a seller within the conspiracy.

80. [30] Mark Anthony Montaner-Meléndez acted as a runner for the drug trafficking organization. Additionally, at times, he acted as a seller within the conspiracy. At some point, he was also a drug point owner.

81. [31] Kidany Guerra-Vizcarrondo acted as a runner for the drug trafficking organization. Additionally, at times, he acted as a seller within the conspiracy.

Sellers

82. The sellers distributed street quantity amounts of heroin, crack cocaine, cocaine, marijuana, Oxycodone (commonly known as Percocet), and Alprazolam (commonly known as Xanax). As sellers, they were accountable for the drug proceeds and the narcotics sold at the drug distribution points. At times, the sellers used two-way radios ("walkie-talkies", "scanners") or

cellular phones in order to communicate with other members of the conspiracy. In addition to the above-mentioned leaders, drug point owners, enforcers, drug processors, and runners who also acted as sellers, the following individuals and others, acted as sellers for the above described drug trafficking organization:

83. [32] Samuel Urbina-Ortiz, [33] Felicia Edwards, [34] William Hommy Bachier-Febres, [35] Pedro Luis Hernández-Rodríguez, [36] Blanca Aurora Calo-Vázquez, [37] Miguel Del Valle-López, [38] FNU LNU, a.k.a. "La Perri", [39] Iván J. Matos-Morales, [40] Zulma Rivera-Benítez, [41] Gisaro Javier Pérez-Castro, [42] Christopher Andino-Arroyo, [43] José A. Vázquez-Rosario, [44] Ezequiel Cortéz-Rodríguez, [45] Erick Manuel Andrades-Torres, [46] Ángel L. Quintana-Moreno, [47] Moisés González-Padilla, [48] Joel Perillo-Borrero, [49] Juan Manuel Santiago, [50] Karen Rivera-Figueroa, [51] José A. López-Magris, [52] William Ríos-Rivera, [53] José Abraham Martínez-Castro, [54] Carlos Gómez, [55] Juan M. Quiroz-Gutiérrez, [56] Franchely Martínez-Castro, [57] Alexis Calo-Vázquez, [58] Luz María Colón-Martínez, [59] José Enrique Batista, [60] Ramón Esteban Soberal-Pérez, [61] Babe Ríos-Fuentes, [62] Christopher Maysonet-García, [63] Rosemary Rodríguez-Cabrera, [64] John Fontánez-González, [65] Melvin Díaz-Allende", [66] John Anthony Roldán-Colón, [67] María Ivelisse Valcárcel, [68] Génesis Lizette Ruíz-Lugo, [69] Kevin William Peña, [70] Raúl Julián Galarza-Rosado, and [71] Jonathan Albízu-Santiago.

Facilitators

84. The "Facilitators" allowed the use of their residences in order to process, store, and package narcotics, paraphernalia, firearms, and ammunition. The facilitators additionally delivered monies and drugs, to and from the drug point owners, runners, and sellers. They often served as messengers for members of the conspiracy, and often served as intermediaries during drug transactions. The following co-defendants at some point during their participation in the conspiracy did act as facilitators for the above-described drug trafficking organization:

85. [72] Rafael Torres-Vázquez stored controlled substances, firearms, ammunition, drug ledgers, drug trafficking proceeds, and other records and equipment of the drug trafficking organization.

86. According to the Government's Version of the Facts in CR 16-591, beginning on a date unknown, but no later than in or about the year 2012, and continuing up to and until September 2016, in the Municipality of San Juan, District of Puerto Rico and within the jurisdiction of this Court, [28] Joseph Martínez-Ávila and his co-defendants did knowingly and intentionally, combine, conspire, and agree with each other and with diverse other persons known to the Grand Jury, to knowingly and intentionally possess with intent to distribute controlled substances, to wit: in excess of two hundred and eighty (280) grams of a mixture or substance containing a detectable amount of cocaine base (crack), a Schedule II Narcotic Drug Controlled Substance; in excess of one (1) kilogram of a mixture or substance containing a detectable amount of heroin, a Schedule I, Narcotic Drug Controlled Substance; in excess of five (5) kilograms of a mixture or substance containing a detectable amount of marihuana, a Schedule I, Controlled Substance; a mixture or substance containing a detectable amount of Oxycodone (commonly known as Percocet), a Schedule II Controlled Substance; and a mixture or substance containing a detectable amount of Alprazolam (commonly known as Xanax), a Schedule IV Controlled Substance; within one thousand (1,000) feet of a real property comprising the Vista Hermosa PHP, a housing facility owned by a public housing authority, within one thousand (1,000) feet of a real property comprising a public or private elementary,

vocational, or secondary school, and within one thousand (1,000) feet of a playground, all within the Municipality of San Juan, Puerto Rico.

87. Specifically, **[28] Joseph Martínez-Ávila acted as a seller for this drug trafficking organization. Several kilograms of cocaine, cocaine base (crack), heroin, a detectable amount of marihuana, and Oxycodone and Alprazolam were sold during the course of the conspiracy; however, for purposes of the defendant's plea agreement, he has been held responsible for the possession with intent to distribute and the distribution of at least five hundred (500) grams but less than two (2) kilograms of cocaine. This all occurred within one thousand (1,000) feet of a housing facility owned by a public housing authority, within one thousand (1,000) feet of a real property comprising a public or private elementary, vocational, or secondary school, and within one thousand (1,000) feet of a playground**.

88. As to CR 15-629, on October 10, 2015, Joseph Martinez-Avila was driving a 2007 Toyota Corolla with two passengers: a co-defendant and a third individual, near the Liga Atlética of the Municipal Police in Guaynabo, P.R.; they passed a 2015 Nissan Murano, license plate number INJ230, VIN number SN1AZ2MG2FN203928. Inside the Nissan Murano were two adult women and a three-month-old baby seated in an infant seat in the rear passenger seat. Martínez-Avila stopped the Toyota Corolla in front of the Nissan Murano, which forced the Nissan Murano to stop. The two passengers in the car that Martínez-Avila was driving then exited the Toyota Corolla carrying firearms, which they pointed at the Nissan Murano and its driver in order to take the vehicle. The driver of the Nissan Murano put the vehicle in reverse and accelerated. The co-defendant then fired one round through the windshield, which penetrated the car seat in which the infant was seated. The bullet did not hit the infant or the other passengers. Martínez-Avila and his two colleagues then fled in the Toyota Corolla. The Nissan Murano had been transported, shipped or received in interstate or foreign commerce.

89. On October 31, 2016, Joseph Martínez-Ávila was arrested in the District of Connecticut pursuant to a warrant of arrest originating in this District in relation to As to Cr. No. 15-629. He was brought before the Honorable Marcos E. López, U.S. Magistrate Judge for Initial Appearance on November 21, 2016, at which time the defendant was ordered temporarily detained. At the bail hearing held on December 1, 2016, the defendant was ordered detained without bail. As to Cr. No. 16-591, on December 29, 2016, the defendant was brought for initial appearance before the Honorable Silvia Carreño-Coll, U.S. Magistrate Judge for Initial Appearance, at which hearing he was ordered temporarily detained. At the bail hearing held on January 13, 2017, and the Court ordered that the defendant remain detained without bail.

90. On April 25, 2017, a SENTRY inmate profile verification report provided by the Bureau of Prisons revealed that the defendant has had no disciplinary actions while in custody.

Victim Impact

Cr. No. 15-629:

91. The provisions of the Mandatory Victim Restitution Act of 1996 apply to this Title 18 offense. In this case, the victims have been identified as O.N.M., B.M.C. and an infant. As of this date, the victim/witness coordinator from the United States Attorney's Office provided the United States Probation Office with the names and addresses of the victims in this case. Pursuant to Title 18, U.S.C. §3664(d)(2), this officer has contacted the victims providing notice of the information required by statute and a Declaration of Victim Losses, including a Questionnaire

of Victim Impact for the victims' completion, and requested they return these documents to this officer.

92. On March 30, 2017, telephone contact was made with the victim O.N.M., who reported that the other victim, B.M.C., who is her mother, had undergone surgery recently and was indisposed at the time the undersigned contacted her. After being explained of her rights as a victim of a crime, it was agreed for the undersigned to email them the Victim's Impact Statement forms.

93. On April 6, 2017, O.N.M. provided the undersigned with her written victim impact statement, and indicated that her mother's (B.M.C.) statement was sent via regular mail to the U.S. Probation Office. In the written victim impact statement, O.N.M. indicated being contacted by the victim/witness coordinator from the U.S. Attorney's Office. She disclaimed knowing the defendants or maintaining any contact with them. The victim explained that, although no bodily injury was caused, she has emotional damages. As a result of the offense, O.N.M. is under the FBI Violent Crimes Victim's Program and was referred to the "Instituto de Psicotraumatología de Puerto Rico" for counseling and therapy services. She has been diagnosed with Posttraumatic Stress Disorder and is currently having weekly therapy sessions through a mental health clinician.

94. O.N.M. has itemized the losses and expenses incurred as a result of this crime, which have yet to be compensated (receipts included):
i) Deductible for collision of the vehicle not covered by insurance policy: $500
ii) Car rental cost for the period of time that her car was at the auto repair shop: $329.75
iii) Travel expenses incurred for the family retreat far from the crime scene as recommended by the her clinician psychologist as part of treatment: $3,567.88
iv) New car seat for the baby: $257.83

95. O.N.M. disclaimed having filed a bankruptcy petition as a result of this crime or having filed a civil action against the defendants. She also disclaimed having suffered loss of income as a result of this crime.

96. The following is a translated version of the victim impact statement provided by O.N.M.:

"My family and I have been affected by this crime in many aspects. My husband is a registered nurse working rotatory schedules, including overnight shifts, and after the incident, my parents or my in-laws have to come to my house and stay with me overnight because I am scared to be home alone. For months, I could not go out to my backyard, go to malls or grocery shopping alone with my baby without the company of another adult. At the beginning, I was distant from my family and friends, and would isolate myself, as I was feeling extremely anxious and had the need to get to my home before sundown. I have made radical changes in my lifestyle. If going to a shopping mall, I only go during the day, use valet parking, and never go alone. My husband has had to request on two occasions a schedule adjustment under the Family Medical Leave Act, which has caused animosity with his employer. When the incident took place, my baby was only ten (10) weeks old and as a result of the emotional impact this crime caused on me, my breastfeeding was affected and I had to stop it. Consequently, I have gone through feelings of frustration, paranoia, anxiety, sadness, insecurity and fear. I also feel concern as to what is going to happen when and if the defendants are released from prison. I am worried that they will come after me and harm me and my family. It is now difficult for me to concentrate as I am experiencing flashbacks of the crime and insomnia, and my appetite has changed. I see these defendants as constant threats and danger to my life and that of my family. I would like for the sentencing judge to take cognizance of the fact that, in my opinion, the sentence to be imposed should be greater than the one agreed and recommended by the parties, since the actions and behavior of the defendants reflect a lack of values, morals and respect for human life. These individuals had no regard whatsoever for the baby that was in the vehicle; they were willing to take one or more lives for a motorized piece of metal in order to continue committing crimes."

97. Upon the receipt of B.M.C.'s written victim impact statement, information will be updated accordingly.

Cr. No. 16-591:

98. There are no identifiable victims in this offense.

Adjustment for Obstruction of Justice

99. The probation officer has no information indicating the defendant impeded or obstructed justice.

Acceptance of Responsibility:

100. On March 15, 2017, the defendant was interviewed at the U.S. Marshals Cell Block located at the U.S. Courthouse in San Juan, PR, in the presence of counsel. At the time, the defendant accepted responsibility for his involvement in the instant offenses as proffered in the Statement of Facts contained in each of the Plea Agreements for Cr. Nos. 15-629 and 16-591.

101. Mr. Martínez-Ávila expressed remorse for the commission of the offenses as he realizes now that what he did was wrong. He is repentant because his life has crumbled down and his bad choices have caused him to lose his freedom, his consensual partner and the chance to be a present father for his children. As to his goals after incarceration, the defendant stated he wants to "do his time" and obtain employment.

102. The defendant declined to answer questions regarding the victims and the possible impact of his actions in their life.

Offense Level Computation

103. The November 1, 2016 Guidelines Manual, incorporating all guideline amendments, was used to determine the defendant's offense level. USSG §1B1.11.

Count One (Cr. No. 16-591): Conspiracy to possess with intent to distribute at least 500 grams but less than 2 kilograms of cocaine within a protected location.

104. **Base Offense Level:** The guideline for a violation of Title 21, U.S.C. §§ 860, 846 and 841(a)(1) is found in USSG §2D1.2 of the guidelines. That section provides that drug offenses occurring within protected locations have a base offense level of two (2) plus the offense level from USSG §2D1.1 applicable to the quantity of controlled substances directly involving a protected location, pursuant to §2D1.2(a)(1). Pursuant to USSG §2D1.1(c)(8), an offense involving at least 500 grams but less than 2 kilograms of

cocaine has a base offense level of twenty-four (24). Therefore, the defendant has a base offense level of twenty-six (26). **26**

105. **Specific Offense Characteristics:** None. **0**

106. **Victim Related Adjustment:** None. **0**

107. **Adjustment for Role in the Offense:** None. **0**

108. **Adjustment for Obstruction of Justice:** None. **0**

109. **Adjusted Offense Level (Subtotal):** Twenty-six **26**

Count One (Cr. No. 15-629): Motor Vehicle Theft.

110. **Base Offense Level:** The guideline for a violation of Title 18, U.S.C. § 2119(1) is found in USSG §2B3.1 of the guidelines. That section provides that an offense involving a robbery has a base offense level of twenty (20). USSG §2B3.1(a). **20**

111. **Specific Offense Characteristics:** Since the offense involved a carjacking, a two (2) level increase is applied, pursuant to USSG §2B3.1(b)(5). **+2**

112. **Victim Related Adjustment:** None. **0**

113. **Adjustment for Role in the Offense:** None. **0**

114. **Adjustment for Obstruction of Justice:** None. **0**

115. **Adjusted Offense Level (Subtotal):** Twenty-two **22**

Count Two (Cr. No. 15-629): Brandishing of a Firearm in Furtherance of a Crime of Violence.

116. Pursuant to USSG §2K2.4(b), if the defendant, whether or not convicted of another crime, was convicted of violating Section 924(c) of Title 18, United States Code, the guideline sentence is the minimum term of imprisonment required by statute, which in this case is seven (7) years, according to Title 18, U.S.C. § 924(c)(1)(A)(ii), as a firearm was brandished. Chapters Three and Four of the sentencing guidelines shall not apply to that count of conviction.

Determining the Combined Offense Level

117. Pursuant to the rules established in USSG §3D1.4, the combined offense level is determined by taking the offense level applicable to the Group with the highest offense level and increasing that offense level by the amount indicated in the table illustrated in said guideline.

118. **Multiple Count Adjustment:**

Count #	Adjusted Offense Levels	Units
1 CR16-591	26	1.0
1 CR16-629	22	1.0
Total Number of Units:		2.0

119. **Greater of the Adjusted Offense Levels Above:** Twenty-six **26**

120. **Increase in Offense Level:** Two **2**

121. **Combined Adjusted Offense Level:** Twenty-eight **28**

122. **Chapter Four Enhancement:** None. **0**

123. **Acceptance of Responsibility:** The defendant has clearly demonstrated acceptance of responsibility for the offense. Accordingly, the offense level is decreased by two levels. USSG §3E1.1(a). **-2**

124. **Acceptance of Responsibility:** The defendant has assisted authorities in the investigation or prosecution of the defendant's own misconduct by timely notifying authorities of the intention to enter a plea of guilty. Accordingly, the offense level is decreased by one additional level. USSG §3E1.1(b). **-1**

125. **Total Offense Level: Twenty-five** **25**

PART B. THE DEFENDANT'S CRIMINAL HISTORY

126. According to the National Crime Information Center (NCIC) and the local record check (RCCV), the defendant has been arrested on seven (7) prior occasions and has the following known convictions:

Juvenile Adjudication(s)

	Date of Referral	Charge/Court	Date Sentence Imposed/Disposition	Guideline	Pts
127.	10/03/2010 (Age 16)	1) Violation of section 487(a) of the California Penal Code - Grand Theft: When the money, labor, or real or personal property taken is of a value exceeding $950. Dkt. # 131536. Sacramento County Juvenile Delinquency Court,	10/20/2010: The defendant was adjudicated delinquent, remanded to the custody of the Sacramento Youth Detention Facility for eighteen (18) days; placed on non-ward probation for three (3) years.	4A1.1(c)	1

		Sacramento, CA.	The defendant was under custody from October 3, 2010 to October 20, 2010. The Max. Exp. Term Due: October 2013. 04/20/2011, a Bench Warrant was issued/FTA. Petition amended to include a second charge for violation of section 148(a)(1) of the California Penal Code - Resisting or Obstructing Public Justice.		

Certified court documents were requested from the Sacramento Juvenile Delinquency Court on April 24, 2017, and are still pending receipt. On April 25, 2017, personnel from the Sacramento County Juvenile Probation Department reported that on April 20, 2011, a Bench Warrant was issued by a Juvenile Judge against the defendant for failure to appear at his Appearance Progress Report hearing. On that same date, the petition was amended to include a second charge for violation of section 148(a)(1) of the California Penal Code - Resisting or Obstructing Public Justice.

Adult Criminal Conviction(s)

	Date of Arrest	**Conviction/Court**	**Date Sentence Imposed/Disposition**	**Guideline**	**Pts**
128.	02/28/2016 (Age 22)	1) Violation of Connecticut General Statutes, Vol. 13, Title 53a, Chapter 952, Section 53a-60(a)(1) - Assault in the second degree with intent to cause serious physical injury to another person. Dkt. No. H14H-CR16-684581-S. Superior Court, Hartford, CT.	08/16/2016: Sentenced to five (5) years of imprisonment; execution suspended after eighteen (18) months, and three (3) years of probation. The imprisonment term was scheduled to expire on August 24, 2017. 10/31/2016: Released from custody /removed on a Writ of Writ of Habeas Corpus ad	4A1.1(a)	3

Prosequendum issued by the U.S. District Court of P.R.

The term of state probation is scheduled to expire on August 2020.

On or about January 19, 2016, in Hartford, Connecticut, between the hours of 12:00pm to 2:00pm, the defendant was watching his daughter W.M.P. (9 months old), while the child's mother was at school. The defendant indicated that, while cooking in the kitchen, he heard the child crying in the living room, so he went into the living room and found the child laying face down. According to the defendant, he sat her up and returned to the kitchen. On January 20, 2016, at 3:00am approximately, the defendant and his baby's mother were awakened by the child's cry. According to the mother, she did not think anything of it at the moment due to the fact that the child was teething. Reportedly, the parents tried to soothe the baby by changing her diaper and feeding her milk from a bottle, which seemed to comfort her. That same date at around 6:00am, the baby started crying again, at which point the mother thought that something was wrong with her. She picked the baby up and physically inspected her body, realizing that the baby's left leg was swollen. The parents took the baby to the Charter Oak Family Health Center in Hartford, Connecticut. Once there, the parents were informed that the baby needed to be treated at the Connecticut Children's Medical Center for her injuries. The Connecticut Department of Children and Families (DCF) was contacted by an employee of the American Medical Response after observing several bruises, different in size and color, on W.M.P's body while en route to the Connecticut's Children's Medical Center. Reportedly, the bruises were on the baby's face, neck, shoulders, arm pits, back, stomach, chest, arms and legs. It was further reported that the child sustained numerous scratches in various stages of healing, and that she would cry every time any part of her body was touched. DCF contacted the Special Investigations Division of the Hartford Police Department (HPD). Upon arrival to the Connecticut's Children's Medical Center, W.M.P. was evaluated by the intake RN, who reported that the child had multiple bruises on her left elbow and right thigh that appeared to be recent, and that her left leg was swollen. She further reported that on the right anterior chest there was a circular scarring that appeared old. HPD agent reported that the entire time while conducting the investigation, the child was screaming and crying very loudly, and that he observed several scars and bruising on the baby's rib cage, arms and legs that appeared to be associated with finger marks. The child underwent x-ray examinations and the results showed that W.M.P. had sustained a skull fracture to the right side of her head, a fracture to the left femur, and an old fracture to the right side of her clavicle bone. Further medical examination revealed that the child sustained an oblique fracture of the distal left femur (acute), bruising to multiple areas of the body including face cheek, forehead, left upper arm, right upper arm, right thigh, left thigh, possible bruise to back, multiple patterned hypopigmented lesions to the extremities, trunk and ear, an acute parietal skull fracture with overlying scalp hematoma, healed clavicle fracture, possible mesenteric injury, and multiple non-specific well healed hypopigmented lesions. It was determined that the account of events provided by the defendant, who was the child's caretaker when all alleged accidents occurred, is not consistent with the injuries sustained by the child. The radiographic appearance of the oblique fracture of the distal left femur combined with the symptoms onset (leg pain and swelling) indicated the direct application of combined compression with torsional and bending force to the bone. The multiple bruises on regions of the body (face, arms, and thighs) are uncommon areas for accidental injuries in children. A large area of bruising to W.M.P.'s right thigh with linear components and bruising to the fractured extremity would not result from normal caretaking activities. The clinical evaluation did not suggest a medical cause that would predispose the child to bruising with normal handling or with minimal trauma. W.M.P. also has patterned hypopigmented lesions which her parents report are self-inflicted. However, infants who scratch themselves will leave superficial abrasions to the skin which heals quickly. The hypopigmented (pale) appearance of W.M.P.'s abrasion indicates that there was removal of the skin and that these lesions likely bled at the time of infliction. These lesions are inconsistent with self-inflicted trauma. Parietal skull fractures with associated scalp hematomas result from blunt force impact to the head. In moving children, this type of injury can result from accidental short falls to the ground. However, on January 10, 2016, W.M.P. was evaluated at the Connecticut Children's Medical Center after she sustained two short falls to the floor. At the time, a CT Scan of her head showed a scalp hematoma, but no skull fracture. Moreover, the parents did not report any other falls or traumatic events after said evaluation. Therefore, the child's skull fracture with associated swelling indicates that this is a new injury. Clavicle fractures result from direct/indirect trauma to the shoulder. Radiologically, W.M.P.'s clavicle fracture is healed with remodeling, which could be a healed birth injury as this fracture is the most common bone injury resulting from birth trauma, typically with larger babies, complicated deliveries or prolonged gestational age infants. Nonetheless, W.M.P. was a preterm, four pound infant with a reported uncomplicated delivery, which is not the typical presentation for such a birth related injury. Thus, the child's clavicle fracture could have also resulted from inflicted trauma. Lastly, the CT Scan of W.M.P.'s abdomen shows mild non-specific soft tissue stranding in the mesentery of the small bowel. This finding can be seen in the setting of other medical conditions (i.e. inflammation), but it can also be seen with mesenteric injury (i.e. hematoma). If this is an injury, this finding would result from blunt force abdominal trauma.

The defendant was represented by counsel.

Criminal History Computation

129. The criminal convictions above result in a subtotal criminal history score of four (4).

130. The total criminal history score is **four (4)**. According to the sentencing table in USSG Chapter 5, Part A, a criminal history score of four (4) establishes a criminal history category of **III**.

Other Criminal Conduct

131. None known.

Pending Charges

132. None known.

Other Arrests

	Date of Arrest	Charge	Agency	Disposition
133.	04/25/2013 (Age 19)	1) Violation of Art. 5.04 of the PR Weapons Act (#404 of 2000) - Possession and Use of a Firearm without a license. (2 Counts) Cr. Nos. KVP2013G1705-1706	San Juan District Court, San Juan, PR	06/13/2013: No probable cause to indict as to both counts.

KVP2013G1705: On or about April 24, 2013, at 10:50pm approximately, in San Juan, Puerto Rico, the defendant illegally, voluntarily, maliciously, knowingly and criminally, aided and abetted by three (3) other adults, possessed and used a gray Smith & Wesson revolver, model 36, caliber.38mm, bearing serial number 68270, without a license.

KVP2013G1706: On or about April 24, 2013, at 10:50pm approximately, in San Juan, Puerto Rico, the defendant illegally, voluntarily, maliciously, knowingly and criminally, aided and abetted by three (3) other adults, possessed and used a gray J.A. Nine pistol, caliber 9mm, bearing serial number 073712, loaded with two (2) rounds of ammunition, without a license.
The defendant was represented by counsel.

	Date of Arrest	Charge	Agency	Disposition
134.	07/27/2013 (Age 19)	1) Violation of Art. 192 of the PR Penal Code (2012) - Receipt, distribution and transport of goods subject to crime. Cr. No. KBD2013M0047.	San Juan Superior Court, San Juan, PR	01/23/2014: Dismissed pursuant to PR Criminal Procedure Rule 247A.

On or about April 24, 2013, at 10:50pm approximately, in San Juan, Puerto Rico, the defendant, illegally, maliciously, knowingly, and criminally, possessed and carried a firearm property of Mr. Jose Rivera-Nazario, which was obtained by illegal appropriation.
The defendant was represented by counsel.

	Date of Arrest	Charge	Agency	Disposition
135.	07/06/2014 (Age 20)	1) Violation of Art. 401 of the PR Controlled Substances Act (#4 of 1971) - Possession With the Intent to Distribute Controlled Substances. (3 Counts).	San Juan District Court, San Juan, PR	10/14/2014: No probable cause to indict as to all counts.

On or about July 5, 2014, at 8:30pm approximately, in San Juan, Puerto Rico, the defendant illegally, voluntarily, maliciously, knowingly, and criminally, possessed with intent to distribute the controlled substances known as marihuana, heroin and cocaine. The amount of

$507 in cash was seized from the defendant.
The defendant was represented by counsel.

136.	08/31/2014 (Age 20)	1) Violation of Art. 401 of the PR Controlled Substances Act (#4 of 1971) - Possession With the Intent to Distribute Controlled Substances. (3 Counts) Cr. Nos.: KSC2014G0615-0617.	San Juan Superior Court, San Juan, PR	04/07/2015: Dismissed as to all counts under Puerto Rico Criminal Procedure Rule 64(n)(6) - Dismissal for violation of Speedy Trial statute.

KSC2014G0615: On or about August 29, 2014, at 6:00pm approximately, in San Juan, Puerto Rico, the defendant illegally, voluntarily, maliciously, knowingly, and criminally, possessed with intent to distribute marihuana.

KSC2014G0616: On or about August 29, 2014, at 6:00pm approximately, in San Juan, Puerto Rico, the defendant illegally, voluntarily, maliciously, knowingly, and criminally, possessed with intent to distribute cocaine.

KSC2014G0617: On or about August 29, 2014, at 6:00pm approximately, in San Juan, Puerto Rico, the defendant illegally, voluntarily, maliciously, knowingly, and criminally, possessed with intent to distribute heroin. The defendant was represented by counsel.

PART C. OFFENDER CHARACTERISTICS

Family Ties, Family Responsibilities, and Community Ties

137. As verified through a Birth Certificate issued by the Puerto Rico Demographic Registry, the defendant was born Joseph Martínez-Ávila on December 18, 1993, in Río Piedras, Puerto Rico. He is the oldest of two children born to the consensual union of José Ramón Martínez-Rosa, a 47 year old resident of Sacramento, California, and Carmen Milagros Ávila-Rodríguez, a 41 year old beautician and resident of San Juan, Puerto Rico. The defendant's youngest sister is named Nalachastine Martínez-Ávila, a 22 year resident of San Juan, Puerto Rico, who is unemployed. The defendant has two maternal siblings: Nashlie Rodríguez-Ávila, who is 25 year old and suffers from Down syndrome. She resides with their mother in San Juan, Puerto Rico, and Noslen Louis González-Ávila, a 17 year old student who also resides in San Juan, Puerto Rico. The defendant reported having an excellent relationship and communication with all of his family members, with the exception of his father from whom he feels estranged. He explained having not talked to his father since 2010, because his father never called him or showed any interest on him after he was released from the Sacramento Youth Detention Facility. He further expressed loving all his siblings but having a special bond with his sister Nalachastine, because they went through the same issues with their father.

138. In recalling his upbringing, Mr. Martínez-Ávila indicated having been born and reared within an intact family up until the age of 2, when his parents separated for unknown reasons. He stated that as far as he remembered, he never saw his parents together. Conversely, it is unknown to him if there was a problem or domestic violence between them. All of what he

knows is that after the separation, he and his sisters stayed with their mother and their father moved to Tennessee. Reportedly, the defendant and his sister Nalachastine, back and forth between Puerto Rico and the continental United States having spent equal time with each parent. Mr. Martínez-Ávila reported that he lived in Tennessee with his father where he completed first through third grade. After that, he returned to Puerto Rico where he completed up to the eighth grade. He subsequently moved to California with his father where he lived until he completed his ninth and tenth grades.

139. In 2010, the defendant returned to Puerto Rico. He recalled his father being in the army and being very strict and physically abusive. He recounted one particular incident at the age of 16, in which his father hit him with a gun on the head because he took a picture with a toy gun. The defendant further indicated that his father is addicted to marihuana and is always “high”. He stressed having not one positive memory of his father.

140. Mr. Martínez-Ávila disclaimed any involvement from the Puerto Rico Department of Family and Children Affairs. When inquired about discipline, the defendant reported that his mother used to take away privileges or ground him, and that he was the one usually using physical punishment. He added that all of his basic needs were adequately fulfilled while growing up.

141. In 2012, the defendant commenced a consensual relationship with Ms. Wilnelia LNU. They were together for one and a half (1 ½) years approximately and had no children together. After their break up, the defendant returned to his mother’s home. A month later, he commenced a consensual relationship with Ms. Lydia E. Ortega-Castillo, with whom he lived for one and a half (1 ½) years and fathered a son named Joseph Ayden (age 3). The child resides with his mother right next door to the defendant’s mother. He related that as a result, the child spends lots of time with his family. According to Mr. Martínez-Ávila, he has a good relationship and communication with Ms. Ortega-Castillo.

142. In mid-2014, the defendant commenced a consensual relationship with Ms. Aleshka Pellot-Montes. On April 6, 2015, their daughter Wileshka Zorielis (age 2) was born in San Juan, Puerto Rico. In late 2015, the couple moved to Hartford, Connecticut, pursuing a better life. On August 26, 2016, the couple welcomed their son Josiel in Hartford, Connecticut. The couple broke up in February 2016. The defendant reported that Ms. Pellot-Montes has a restraining order against him within the state of Connecticut, and that he wants to do a DNA test to verify his paternity.

143. The defendant conveyed that during his free time he likes to play videogames and ride motorcycles. Reportedly, he used to play soccer and baseball in Tennessee. Mr. Martínez-Ávila disclaimed any type of musical or artistic ability or belonging to any prosocial association within his community. He also disclaimed any gang affiliation.

144. Mr. Martínez-Ávila disclaimed any familial history of mental health problems. He also reported that, besides him and his father, no other family member has a history of criminal delinquency or alcohol/drug dependence.

145. When inquired about his family’s reaction to the instant arrest, Mr. Martínez-Ávila indicated that they are all very sad, but remain supportive of him.

Physical Condition

146. The defendant is a White/ Hispanic male who stands 5'6" tall, weighs 180 lbs., has brown eyes, and black hair. He bears the following tattoos: the letter "A" on the back of his neck and a tiger all around his right arm. Reportedly, he has no visible scars.

147. The defendant reported enjoying a good physical health and having no history of any ailments. No hospitalizations or known allergies to medication or food were reported.

Mental and Emotional Health

148. Mr. Martínez-Ávila averred that he is mentally healthy. However, he disclosed that while in the seventh grade, the school referred him to a psychologist because he was getting into many fights with other students. The defendant stated that he just attended three or four sessions; no medication or diagnosis was given. He disclaimed any psychiatric hospitalizations, suicidal ideation or having experienced visual or auditory hallucinations.

Substance Abuse

149. Mr. Martínez-Ávila admitted smoking at least two (2) cigarettes of marihuana daily since he was 15 or 16 years old. Reportedly, he began smoking it out of curiosity. The defendant disclosed that at age 17 he started taking "Pali" (Xanax) and "Perco" (Percocet) once every other week. He asserted that he last used pills in January 2014 and marihuana in December 2015.

150. On November 21, 2016, a urinalysis collected during the Pre-bail interview yielded negative to all drugs tested (verified by U.S. Lab Technicians). The defendant disclaimed any history of substance abuse treatment or having ever operated any type of machinery/motor vehicle while under the influence of controlled substances/alcohol. Mr. Martínez-Ávila expressed willingness to complete a substance abuse treatment.

Educational, Vocational and Special Skills

151. Mr. Martínez-Ávila reported attending school up to the eleventh (11^{th}) grade at the "Centro Especializado de Educación Avanzada" in Río Piedras, Puerto Rico. Reportedly, he abandoned school because his mother was unable to afford his tuition. In 2011, he enrolled in the culinary arts program at the "Instituto de Banca y Comercio de Puerto Rico" located in Hato Rey, Puerto Rico, but did not complete it. In 2013, he obtained the high school graduate equivalency diploma (GED). The defendant is currently enrolled in ESL classes at the Guaynabo Metropolitan Detention Center. No further academic endeavors have been pursued by the defendant. However, he expressed interest in completing any vocational training that will improve his skills and knowledge.

152. Regarding his academic background, the defendant asserted failing and repeating the seventh (7^{th}) grade once. He disclaimed ever being expelled or suspended from school, or being placed on Special Education. The defendant stated being fluent in the English language, that his primary language is Spanish. He has no professional license.

Employment Record

153. Mr. Martínez-Ávila reported that at the time of his arrest in the instant offense he was unemployed because he was serving an imprisonment sentence in the state of Connecticut. However, he stated that before that time, he worked as a production worker at Data-Mail, Inc., From November 2015 to January 2016, he was employed as a seasonal worker (packer and sorter) for UPS. He reported that both jobs were in Hartford, Connecticut. (unverified).

Financial Condition: Ability to Pay

154. As part of the presentence investigation, the defendant provided a verbal financial statement concerning his assets, liabilities, monthly income, and monthly expenditures for inclusion in the presentence report. In addition, this officer reviewed the defendant's credit report maintained by Equifax Information Services and various public record databases.

155. An Equifax Credit Report revealed no assets or liabilities for the defendant.

156. Verification of the P.R. Child Support Enforcement Administration (ASUME) revealed no record for this defendant.

157. Verification of the P.R. Department of Transportation and Public Works Registry (DAVID) revealed that the defendant has an expired P.R. government issued ID card number 6071690 but no driver's license. There are no vehicles registered under the defendant's name and no outstanding traffic fines.

158. A Lexis Nexis Accurint Comprehensive Report revealed no record for this defendant.

159. A search conducted through the CRIM Database did not reveal properties registered under the defendant's name.

160. A search of the Puerto Rico Nutritional Assistance Program (PAN for its acronym in Spanish) reflects no records for the defendant.

161. Based upon the defendant's financial profile, it appears that he does not have the ability to pay a fine within the advisory guideline range. If the Court after review of the financial disclosure makes a finding that the imposition of a fine within the required range is not viable, the Court may impose a lesser fine or waive the imposition of the same. USSG §5E1.2(e).

PART D. SENTENCING OPTIONS

Custody

162. **Statutory Provisions: As to Count One in CR16-591:** The minimum term of imprisonment is five (5) years and the maximum term is eighty (80) years. Title 21, U.S.C. §§ 860 and 841(b)(1)(B). **As to Count One in CR15-629:** The maximum term of imprisonment is fifteen (15) years. Title 18, U.S.C. § 2119(1). **As to Count Two in CR15-629:** The minimum term of imprisonment is seven (7) years and the maximum term is life. Title 18, U.S.C. § 924(c)(1)(A)(ii).

163. The term of imprisonment as to Count Two in CR15-629 must be imposed to be served consecutively to any other counts.

164. **Guideline Provisions:** Based upon a total offense level of **twenty-five (25)** and a criminal history category of **III**, the guideline imprisonment range is **70 to 87 months as to Counts one in CR 15-629 and CR 16-591, respectively, and consecutively to eighty-four (84) months of imprisonment as to Count Two in CR15-629.** The guideline sentence as to Count Two in CR 15-629 is the minimum term of imprisonment required by statute, which in this case is seven (7) years. USSG §2K2.4(b).

165. As the applicable guideline range falls in Zone D of the Chapter 5 Sentencing Table, the guidelines require that the minimum term be served by imprisonment. USSG § 5C1.1(f).

Supervised Release

166. **Statutory Provisions: As to Count One in CR16-591:** The Court must impose a term of supervised release of at least eight (8) years. Title 21, U.S.C. §§ 860 and 841(b)(1)(B). **As to Count One in CR15-629:** The Court may impose a term of supervised release of not more than three (3) years. Title 18, U.S.C. § 3583(b)(2). **As to Count Two in CR15-629:** The Court may impose a term of supervised release of not more than five (5) years. Title 18, U.S.C. § 3583(b)(1).

167. Multiple terms of supervised release shall run concurrently. Title 18, U.S.C. § 3624(e).

168. **Guideline Provisions: As to Count One in CR16-591:** The guideline range for a term of supervised release is at least eight (8) years, as required by statute. USSG §5D1.2(c). **As to Count One in CR15-629:** Since the offense is a Class "C" Felony, the guideline range for a term of supervised release is one (1) to three (3) years. USSG §5D1.2(a)(2). **As to Count Two in CR15-629:** Since the offense is a Class "A" Felony, the guideline range for a term of supervised release is two (2) to five (5) years. USSG §5D1.2(a)(1).

Probation

169. **Statutory Provisions: As to each counts in both cases,** the defendant is ineligible for probation because he will be sentenced at the same time to a term of imprisonment for the same or a different offense. Title 18, U.S.C. § 3561(a)(3).

170. **Guideline Provisions:** The defendant is ineligible for probation because he will be sentenced at the same time to a term of imprisonment for the same or a different offense. USSG §5B1.1(b)(3).

Fines

171. **Statutory Provisions: As to Count One in CR16-591:** The maximum fine is $10,000,000. Title 21, U.S.C. §§ 860 and 841(b)(1)(B). **As to Counts One and Two in CR15-629:** The maximum fine is $250,000. Title 18, U.S.C. § 3571(b).

172. A special assessment of $100.00 per count is mandatory for a total of $300. Title 18, U.S.C. § 3013.

173. **Guideline Provisions:** The fine range for this offense is from $20,000 to $10,000,000. USSG §5E1.2(c)(4)[3].

174. Costs of prosecution shall be imposed on the defendant as required by statute. USSG §5E1.5. In determining whether to impose a fine and the amount of such fine, the Court shall consider, among other factors, the expected costs to the government of any term of probation, or term of imprisonment and term of supervised release imposed. USSG §5E1.2(d)(7) and Title 18, U.S.C. § 3572(a)(6). These costs may include drug and alcohol treatment, electronic monitoring, and/or contract confinement costs. The most recent advisory from the Administrative Office of the United States Courts, dated June 24, 2016, provides the following monthly cost data:

	Bureau of Prisons Facilities	Community Correction Centers	Supervision by Probation Officer
Daily	$88.00	$71.00	$11.00
Monthly	$2,665.00	$2,174.00	$341.00
Annually	$31,976	$26,083.00	$4,097.00

Restitution

175. **Statutory Provisions: As to CR16-591:** Restitution is not applicable in this case, pursuant to Title 18, U.S.C. § 3663. **As to CR15-629:** Restitution shall be ordered in this case, pursuant to Title 18, U.S.C. § 3663A. The victims in this case have been identified as O.N.M., B.M.C and an infant.

176. **Guideline Provisions: As to CR16-591:** Restitution is not applicable in this case. **As to CR15-629:** Restitution shall be ordered. USSG §5E1.1.

Denial of Federal Benefits

177. **Statutory Provisions: As to CR16-591:** At the Court's discretion, the defendant, having been convicted of a first drug possession offense, shall be ineligible for any and all federal benefits for up to one (1) year, pursuant to Title 21, U.S.C. § 862(b)(1)(A)(i). **As to CR15-629:** None.

178. **Guideline Provisions: As to CR16-591:** The Court, pursuant to Title 21, U.S.C. § 862, may deny the eligibility for certain federal benefits of any individual convicted of distribution or possession of a controlled substance. USSG §5F1.6. **As to CR15-629:** None.

Impact of the Plea Agreement:

179. By pleading guilty, the defendant benefitted from a stipulated amount of drugs, the dismissal of remaining counts of the Indictment in CR16-591, Counts Three and Four carrying a minimum imprisonment term of imprisonment of thirty years as to CR 15-629, and the three level guideline adjustment for his acceptance of responsibility under USSG §3E1.1(a) and (b). In absence of the plea agreement, or had the defendant exercised his right to go to trial, if convicted, he would have been subject to enhanced guideline calculations, up to life imprisonment and/or a fine up to $10,000,000.

[3] If the defendant is convicted under a statute authorizing (A) a maximum fine greater than $250,000, or (B) a fine for each day of violation, the Court may impose a fine up to the maximum authorized by the statute. USSG §§5E1.2(c)(4).

PART E. RECOMMENDED SPECIAL CONDITIONS OF SUPERVISION

Recommendation

180. The defendant shall participate in transitional and reentry support services, including cognitive behavioral treatment services, under the guidance and supervision of the Probation Officer. The defendant shall remain in the services until satisfactorily discharged by the service provider with the approval of the Probation Officer.

181. The defendant shall participate in a program or course of study aimed at improving educational level and/or complete a vocational training program. In the alternative, he shall participate in a job placement program recommended by the Probation Officer.

182. The defendant shall provide the U.S. Probation Officer access to any financial information upon request.

183. The defendant shall be placed in the location restriction program for a period of six (6) months. He shall remain under curfew at his residence of record from 6:00 p.m. to 6:00 a.m. to commence upon his release from imprisonment. During this time, he shall remain in his residence, except for employment or other activities approved in advance by the probation officer. In addition to any other telephone or cellphone, Mr. Joseph Martínez-Ávila shall maintain a telephone at his residence without a modem, an answering machine, or a cordless feature during the term of electronic monitoring. He shall wear an electronic device 24 hours a day and shall observe the rules specified by the probation officer. He is ordered to pay the daily cost of the Electronic Monitoring Device. Payment shall be based on his ability to pay or the availability of third-party payments, as approved by the Court.

184. The defendant shall participate in an approved mental health treatment program for evaluation and/or treatment services determination. If deemed necessary, the treatment will be arranged by the officer in consultation with the treatment provider; the modality, duration, and intensity of treatment will be based on the risks and needs identified. The defendant will contribute to the costs of services rendered by means of co-payment, based on his ability to pay or the availability of third party payment.

185. The defendant shall cooperate in the collection of a DNA sample as directed by the Probation Officer, pursuant to the Revised DNA Collection Requirements, and Title 18, U.S. Code Section 3563(a)(9).

186. The defendant shall submit his person, property, house, vehicle, papers, computers (as defined in Title 18, U.S.C. § 1030(e)(1)), other electronic communication or data storage devices, and media, to a search conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition.

187. The defendant shall participate in an approved substance abuse monitoring and/or treatment services program. The defendant shall refrain from the unlawful use of controlled substances and submit to a drug test within fifteen (15) days of release; thereafter, submit to random drug

testing, no less than three (3) samples during the supervision period and not to exceed 104 samples per year accordance with the Drug Aftercare Program Policy of the U.S. Probation Office approved by this Court. If deemed necessary, the treatment will be arranged by the officer in consultation with the treatment provider. The defendant is required to contribute to the cost of services rendered (co-payment) in an amount arranged by the Probation Officer based on the ability to pay or availability of third party payment.

PART F. FACTORS THAT MAY WARRANT A DEPARTURE

188. The officer has not identified any factors that may warrant a departure in this case.

PART G. SENTENCE OUTSIDE OF THE ADVISORY GUIDELINE SYSTEM

189. The Court may exercise its discretion by considering a sentence under a variance, pursuant to the provisions of Title 18, U.S.C. §3553(a). The Court may take into consideration the defendant's history and characteristics, the nature and circumstances of the offense, as well as the need to promote respect for the law and afford adequate deterrence for the crimes committed by the defendant.

190. Mr. Martínez-Ávila has been involved in delinquent and violent behaviors since the age of 16, having been adjudicated as a juvenile. His involvement denotes a pattern, violent in nature; including but not limited to assault, possession/use of firearms, carjacking, and endangering of public welfare, elements to consider when determining his potential and likelihood to recidivate. Thereby, warranting the need to afford adequate deterrence to criminal conduct, as well as to protect the public from further crimes of the defendant.

Respectfully Submitted,
EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

Merangelie Serrano
2017.05.31 11:50:06
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Andrés E. Narváez
U.S. Probation Officer

Reviewed and approved:

Merangelie Serrano
2017.05.31 11:50:18
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Merangelie Serrano, Supervisory
U.S. Probation Officer